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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91208855
Party	Plaintiff Greater Louisville Convention & Visitors Bureau
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Submission	Opposition/Response to Motion
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Signature	/John A. Galbreath/
Date	08/05/2013
Attachments	91208855-Louisville's Opposition to Motion-Main Body.pdf(2293351 bytes ) 91208855-Louisville's Opposition to Motion-Exhibits 1-3.pdf(2644511 bytes ) 91208855-Louisville's Opposition to Motion-Exhibits 4-5.pdf(3233854 bytes ) 91208855-Louisville's Opposition to Motion-Exhibits 6-13.pdf(5964540 bytes ) 91208855-Louisville's Opposition to Motion-Exhibits 14-23.pdf(5100046 bytes )

**Greater Louisville Convention  
and Visitors Bureau**

**Opposer**

**v.**

**The Wine Group LLC**

**Applicant**

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) **IN THE UNITED STATES**  
) **PATENT AND TRADEMARK OFFICE**  
)  
)  
) **TRADEMARK TRIAL AND APPEAL BOARD**  
)  
)  
) **APPL. NO. 85/736,374**  
)  
) **OPPOSITION NO. 91208855**  
)

**OPPOSER’S OPPOSITION TO APPLICANT’S MOTION TO COMPEL  
AND TEST SUFFICIENCY OF ADMISSION REQUEST RESPONSES**

Greater Louisville Convention and Visitor’s Bureau (“Louisville”, “Opposer”, or “Plaintiff”), by and through its below-identified attorneys, hereby opposes The Wine Group LLC’s (“Wine Group”, “Applicant”, or “Defendant”) motion to compel and test sufficiency of admission request responses, and states as follows:

**I. Louisville’s Responses to Wine Group’s Admission Requests Are True and Correct.**

**A. Request for Admission No. 3**

Wine Group’s request for admission no. 3 (see Exhibit 1, p. 3) asked Louisville to admit the following:

“The claimed date of first use of the mark in Registration No. 4,178,113 was October 20, 2011.”

However, this is not correct. Louisville’s Allegation of Use for Registration No. 4,178,113 (URBAN BOURBON) is attached as Exhibit 2, and it clearly states that the mark was used at least as early as October 20, 2011.

This is a substantive difference, and not a mere technicality. Louisville reserves the right to prove a first use date before October 20, 2011, as indicated in its Allegation of Use. If

Louisville had answered “Admitted” to this request, Louisville would have been confined to the specific date of October 20, 2011 and would have lost any opportunity to prove earlier use.

In sum, Wine Group’s request for admission no. 3 was properly denied.

**B. Request for Admission No. 36**

Wine Group’s request for admission no. 36 (see Exhibit 1, p. 5) asked Louisville to admit that the Examining Attorney for what became Registration No. 3,932,986 claimed a likelihood of confusion between URBAN BOURBON EXPERIENCE and a prior registration of URBAN BOURBON. This is also not correct.

The September 10, 2009 and April 10, 2010 Office Actions for Application No. 77/747,378, which became Registration No. 3,932,986, are attached as Exhibits 3 and 4. These Office Actions are the only substantive Office Actions for this application, and nowhere in them does the Examining Attorney claim a likelihood of confusion between URBAN BOURBON EXPERIENCE and a prior registration of URBAN BOURBON.

In sum, Wine Group’s request for admission no. 36 was rightly denied.

**C. Request for Admission No. 37**

Wine Group’s request for admission no. 37 (see Exhibit 1, p. 5) asked Louisville to admit that during the prosecution of the application that became Registration No. 3,932,986, Louisville argued that there was no likelihood of confusion between URBAN BOURBON EXPERIENCE and a prior registration of URBAN BOURBON. This is also not correct.

The May 10, 2010 Office Action response for Application No. 77/747,378, which became Registration No. 3,932,986, is attached as Exhibit 5. This response is the only substantive Office Action response for this application, and nowhere in it does Louisville argue

that there is no likelihood of confusion between URBAN BOURBON EXPERIENCE and a prior registration of URBAN BOURBON.

Please note that likelihood of confusion between Louisville's URBAN BOURBON EXPERIENCE mark and Wine Group's (B)URBAN mark is an issue in this opposition. Thus if Louisville had answered "Admitted" to this request, that would have prejudiced Louisville's ability to argue likelihood of confusion between its URBAN BOURBON EXPERIENCE mark and Wine Group's (B)URBAN mark, since (B)URBAN and URBAN BOURBON are pseudo-marks.

In sum, Wine Group's request for admission no. 37 was correctly denied.

**II. Louisville's Objections to Wine Group's Production Request Nos. 26, 30, and 32 Are Well-Founded, Because No. 26 Is Ambiguous and Unclear, and Nos. 30 and 32 Are Overbroad and Encompass Documents Not Relevant to This Proceeding.**

**A. Production Request No. 26**

Wine Group's production request no. 26 (Exhibit 6, p. 25) asks Louisville to produce the following: "All DOCUMENTS concerning the quality control exercised by the Licensor of registered mark no. 3,932,986 as pleaded in paragraph 2 of the Notice of Opposition."

This request is ambiguous and unclear, because paragraph 2 of Louisville's Notice of Opposition contains absolutely no reference to quality control (Exhibit 7, p. 1). Indeed, Louisville has not pleaded quality control in this opposition at all. Said another way, since quality control is not pleaded in the Notice of Opposition, it is not clear what the request means by "the quality control exercised by the Licensor of registered mark no. 3,932,986 as pleaded in paragraph 2 of the Notice of Opposition."



Louisville would be receptive to this production request, and would produce any documents it has that may be responsive to it, if the request is rewritten to state in clear and unambiguous language what exactly Wine Group is seeking.

**B. Production Request No. 30**

Wine Group's production request no. 30 (see Exhibit 6, p. 28) asks Louisville to produce the following: "Each DOCUMENT concerning or reflecting the use of the term 'bourbon' as or as part of a trademark."

This request is overbroad, because it seeks documents that are not relevant to a claim or defense in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Wine Group tries to portray this as merely a request for similar third-party marks (Mot. at 6), but in truth, the request encompasses much more than that.

First, the request encompasses more than third party marks. For perspective, Louisville has many marks which contain the term 'bourbon', besides the URBAN BOURBON, URBAN BOURBON TRAIL, and URBAN BOURBON EXPERIENCE marks relied on in this opposition. These other marks – BOURBON COUNTRY, JUST ADD BOURBON, KENTUCKY BOURBON COUNTRY, GATEWAY TO BOURBON COUNTRY, et al. (see Exhibit 8) – are quite different from the opposed (B)URBAN mark and Louisville's URBAN BOURBON family of marks, because they do not contain the term 'URBAN' or anything similar to it.

Louisville has many documents concerning these other marks, which are not relevant to this opposition or the claims or defenses herein. Forcing Louisville to produce those irrelevant documents would represent a significant additional discovery burden, and such efforts would be

wasted because of the lack of relevance. Three sworn declarations from Louisville personnel, attesting to the above, are attached as Exhibits 9-11.

Second, the request encompasses more than just similar marks – instead, it encompasses any mark containing ‘BOURBON’. There are 285 pending and registered marks containing ‘BOURBON’ in the USPTO database (see Exhibit 12), and almost all of them are dissimilar to the opposed (B)URBAN mark and Louisville’s URBAN BOURBON family of marks. In short, the mere presence of ‘BOURBON’ in a mark does not render it similar to ‘URBAN BOURBON’, if the mark does not also have an element similar to ‘URBAN’.

Wine Group further contends that Louisville made the same production request as Wine Group, and specifically cites Louisville’s Production Request No. 66. Mot. at 6.

However, this is incorrect. Louisville’s Production Request No. 66 (see Exhibit 13, p. 22) reads:

“All documents and things referring or relating to Applicant 's knowledge of any third party use of trade names, trademarks or service marks for or containing the design shown in Applicant’s mark, or any variation thereof.”

Louisville’s request is much narrower than Wine Group’s, and is tailored specifically to third party marks which contain (B)URBAN or a variant. It is also restricted to Wine Group’s knowledge of third party use of such marks. This is an appropriate request, whereas Wine Group’s overbroad request for any document concerning the use of ‘BOURBON’ as or as part of a mark is not.

Louisville would be happy to produce all responsive documents it has, if this request is rewritten to encompass third party marks similar to the URBAN BOURBON, URBAN

BOURBON TRAIL, and URBAN BOURBON EXPERIENCE marks relied on in this opposition.

**C. Production Request No. 32**

Wine Group's production request no. 32 (see Exhibit 6, p. 30) asks Louisville to produce the following: "All DOCUMENTS constituting, reflecting or discussing communications between YOU and the owner of registration no. 3,932,986."

This request is also overbroad, and seeks documents that are not relevant to a claim or defense in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Specifically, it requests communications between Louisville and the owner of Reg. No. 3,932,986 on any matter at all, and not just matters concerning Reg. No. 3,932,986.

The current owner of Registration No. 3,932,986 (URBAN BOURBON TRAIL) is the Kentucky Distillers' Association ("KDA"), and Louisville is the exclusive, perpetual licensee of the mark. Since Louisville and the KDA are located in the same area and have similar organizational objectives, Louisville has had numerous communications with the KDA over the years, on a variety of matters. Many of these communications do not concern Registration No. 3,932,986 or indeed the other marks Louisville relies on in this opposition, and are not relevant to it. Forcing Louisville to produce those irrelevant documents would represent a significant additional discovery burden, and such efforts would be wasted because of the lack of relevance.

Sworn declarations from Louisville personnel are attached as Exhibits 9-11, attesting to the above. Louisville would be pleased to produce all responsive documents it has, if this request is rewritten to encompass communications between Louisville and the KDA concerning Reg. No. 3,932,986 or any of the other marks pleaded in this opposition.

**III. Forcing Louisville to Collect, Organize, Label, Copy, and Deliver Documents to Wine Group Would Not Be in Keeping With Fed. R. Civ. P. 34, and Would Also Be Inequitable.**

Wine Group contends that Louisville should be forced to collect, organize, label, copy, and deliver its responsive documents to Wine Group. Mot. at 4. However, this would not be in keeping with Fed. R. Civ. P. 34. Under Rule 34, a responding party is within its rights to choose to make documents available for copying and inspection by the inquiring party. Fed. R. Civ. P. 34 (reproduced below with emphasis supplied); *No Fear Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000).

**“Rule 34**

(a) In General. A party may serve on any other party a request within the scope of Rule 26(b):

(1) to produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in the responding party's possession, custody, or control:

(A) any designated documents or electronically stored information—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form; or

(B) any designated tangible things; or

(2) to permit entry onto designated land or other property possessed or controlled by the responding party, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

(b) Procedure.

(1) *Contents of the Request.* The request:

(A) must describe with reasonable particularity each item or category of items to be inspected;

(B) must specify a reasonable time, place, and manner for the inspection and for performing the related acts; and

(C) may specify the form or forms in which electronically stored information is to be produced.

(2) *Responses and Objections.*

(A) *Time to Respond.* The party to whom the request is directed must respond in writing within 30 days after being served. A shorter or longer time may be stipulated to under Rule 29 or be ordered by the court.

(B) *Responding to Each Item.* For each item or category, the response must either state that inspection and related activities will be permitted as requested or state an objection to the request, including the reasons.

(C) *Objections.* An objection to part of a request must specify the part and permit inspection of the rest.

(D) *Responding to a Request for Production of Electronically Stored Information.* The response may state an objection to a requested form for producing electronically stored information. If the responding party objects to a requested form—or if no form was specified in the request—the party must state the form or forms it intends to use.

(E) *Producing the Documents or Electronically Stored Information.* Unless otherwise stipulated or ordered by the court, these procedures apply to producing documents or electronically stored information:

- (i) A party must produce documents as they are kept in the usual course of business or must organize and label them to correspond to the categories in the request;
- (ii) If a request does not specify a form for producing electronically stored information, a party must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms; and
- (iii) A party need not produce the same electronically stored information in more than one form.”

Indeed, Rule 34 not only allows the responding party the option of permitting inspection and copying of its documents in place, it can fairly be said to emphasize the inspection and copying procedure. The rule certainly does not mandate or even discuss that the responding party must deliver its documents to the requesting party.

Wine Group cites *Amazon Technologies v. Wax* in support of its contention; however, *Amazon Technologies v. Wax* did not involve or discuss the issue of permitting inspection and copying versus delivering documents, and thus is not applicable. What is directly applicable is

Rule 34 itself – and as discussed above, the rule gives the responding party the option of permitting inspection and copying of documents, including as they are kept in the usual course of business.

Moreover, it would not be equitable to force Louisville to collect, organize, label, copy, and deliver its responsive documents to Wine Group, for two reasons:

First, Louisville’s URBAN BOURBON family of marks has been in use for a number of years, including URBAN BOURBON TRAIL which has been in use since 2008. Exhibit 14. In contrast, Wine Group’s (B)URBAN mark was filed on an intent-to-use basis, and has not even been used in commerce. Exhibit 15. Thus, Louisville has a large number of responsive documents – and very likely, Louisville has a significantly greater number of documents than does Wine Group. Forcing Louisville to collect, organize, label, copy, and deliver its responsive documents to Wine Group would represent a significant additional discovery burden for Louisville, versus the allowed option of permitting Wine Group to inspect and copy Louisville’s documents where they are located. Sworn declarations from Louisville personnel are attached as Exhibits 9-11, attesting to the above.

Second, Wine Group has itself stated that it will retain its responsive documents where they are located. Exhibit 16, p. 1, para. 4. Louisville did not complain about this, since permitting inspection and copying of documents where they are located is allowed under the rules. Instead, Louisville scheduled a trip to Wine Group’s location to inspect and copy Wine Group’s documents on August 29-30. Exhibit 17. Wine Group received Louisville’s July 26, 2013 letter by email and by regular mail, and did not object to this arrangement. Accordingly, Louisville finalized its travel and lodging accommodations. Exhibits 18-19. Since Louisville

will inspect and copy Wine Group's documents where they are located, it is not at all inappropriate for Wine Group to inspect and copy Louisville's documents where they are located.

**IV. Louisville Will Permit Inspection and Copying of Documents For All of Wine Group's Production Requests, Including the Objected-to Nos. 26, 30, and 32 If Those Are Re-Written to Cure the Ambiguity and Overbreadth Problems Discussed Above.**

Wine Group contends that Fed. R. Civ. P. 34 *requires* the responding party to state whether or not there are responsive documents for each specific request, and cites TBMP § 406.04(c) for support. Mot. at 3. However, this is incorrect. Instead, TBMP § 406.04(c) states, citing Fed. R. Civ. P. 34(b)(2)(B) specifically, that “[a] response to a request for production of documents and things *must* state, with respect to each item or category of documents or things requested to be produced, that inspection and related activities will be permitted as requested, unless the request is objected to, in which case the reasons for objection must be stated.”

TBMP § 406.04(c) also states that “[f]or any item or category of documents which is not subject to a stated objection, a proper response *should* state whether or not there are responsive documents and, if there are responsive documents, whether they will be produced or withheld on a claim of privilege”. Thus, although stating whether or not there are responsive documents for each specific request might be preferred, it is not required under Rule 34.

Wine Group complains that Louisville's objections make it unclear whether it will permit inspection and copying of documents. Mot. at 2. However, Wine Group's responses to Louisville's production requests also contain multiple objections. Indeed, Wine Group's responses contain “preliminary” objections, “general” objections, “specific” objections, and often also additional

objections related to a given request – followed by a statement, subject to all the objections, of whether or not it will produce responsive documents. Exhibit 20, p. 1-6. Thus, Wine Group is complaining about practices which it itself engages in.

All the above said, for its part Louisville wishes to make clear that it will permit inspection and copying of all the non-privileged documents it has that are responsive to Wine Group's production requests, except for the few objected-to requests. Louisville believes that it has responsive documents for all such production requests. Regarding the objected-to requests: for request no. 26, Louisville will produce any documents it has that may be responsive to it, if the request is rewritten to cure the ambiguity problem. For requests 30 and 32, Louisville will permit inspection and copying of non-privileged documents for those as well, if they are re-written to cure the overbreadth problems.

#### **V. Louisville Has Been Cooperative in Discovery.**

Throughout its motion, Wine Group attempts to portray Louisville as being uncooperative in discovery. Mot. at 1-2, 8. However, this is simply not true, as shown by the following:

- Louisville responded in a timely manner to all of Wine Group's discovery requests. For example, Wine Group states that its document requests were served on May 10, 2013, and that Louisville responded on June 14, 2013. Mot. at 2. Wine Group adds that Louisville "did not request any extension of time to respond", as if a time extension was needed. *Id.* It was not – a response by June 14 is certainly timely for requests served on May 10 (30 days plus the 5 mail days afforded by 37 C.F.R. § 2.119(c)).
- Louisville answered all of Wine Group's requests for admission, correctly.



- Louisville answered all of Wine Group’s interrogatories – both a first set served on May 10, 2013, and a second set served on June 26, 2013.
- Louisville agreed to permit inspection and copying of responsive documents for all of Wine Group’s production requests, except for production request nos. 26, 30, and 32, to which Louisville appropriately objected. And Louisville will permit inspection and copying of responsive documents for these latter requests, provided the requests are re-written to cure their ambiguity and overbreadth problems.
- Louisville responded promptly to all of Wine Group’s letters concerning discovery issues.
- On July 26, 2013, Louisville served a Notice of Deposition on Wine Group. Exhibit 21. Wine Group refused to accept the notice, contending that it was improper because the opposition was stayed. Exhibit 22. However, 37 CFR 2.120(e)(2) reads, in pertinent part: “After the motion [to compel] is filed and served, no party should file any paper that is not germane to the motion, except as otherwise specified in the Board’s suspension order. Nor may any party serve any additional discovery until the period of suspension is lifted or expires by or under order of the Board.” The deposition notice did not violate the first provision, because it did not involve a Board filing. The notice also did not violate the second provision, because the opposition was not suspended when the notice was served. However, in the spirit of cooperation and smooth proceeding of the opposition, Louisville elected not to press this issue.

In sum, Louisville has been cooperative in discovery, and Wine Group's portrayal is simply incorrect.

The sworn declaration of the undersigned is attached as Exhibit 23, attesting to the genuineness of the facts stated and exhibits referred to herein.

### **CONCLUSION**

For all the above reasons, Wine Group's motion to compel should be denied, and Louisville's answers to Wine Group's admission requests should be considered correct.

Respectfully submitted,

/John A. Galbreath/

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Attorneys for Opposer

Certificate of Service: I certify that on the date below, the foregoing Opposition to Motion to Compel and Test Sufficiency of Admission Request Responses, and referenced attachments, if any, were deposited with the United States Postal Service as first-class mail addressed to:

PAUL W. REIDL  
LAW OFFICE OF PAUL W. REIDL  
241 EAGLE TRACE DRIVE, SECOND FLOOR  
HALF MOON BAY, CA 94019

05 August 2013

/John A. Galbreath/  
John A. Galbreath

# EXHIBITS

**BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**TRADEMARK TRIAL AND APPEAL BOARD**

Application Serial No. 85/736,374

Mark: (B)URBAN

Class: 33

**GREATER LOUISVILLE  
CONVENTION & VISITORS  
BUREAU,**

Opposer/Respondent,

v.

**THE WINE GROUP, LLC,**

Applicant/Counterclaimant.

Opposition No. 91208855

**APPLICANT'S FIRST SET OF  
REQUESTS FOR ADMISSION**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant The Wine Group ("TWG") hereby requests that Opposer admit the truth of the following matters within thirty (30) days. If Opposer cannot truthfully admit or deny a request it shall set forth in detail the reason why. It shall not give "lack of information or knowledge" as the reason for failure to admit or deny unless it also states that it has made a reasonable inquiry and that the information known or readily obtainable is insufficient to enable it to admit or deny the request. **THE MATTER OF EACH ADMISSION SHALL BE DEEMED ADMITTED UNLESS RESPONSES ARE TIMELY SERVED.**

**I. DEFINITIONS AND INSTRUCTIONS**

The following Definitions and Instructions apply to these requests:

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1. The term "PERSON" means any individual, corporation, partnership, association, or other commercial or legal entity.

2. The term "YOU" or "YOUR" means Greater Louisville Convention & Visitors Bureau and any other PERSON acting or purporting to act on YOUR behalf.

3. The term "TWG" means Applicant The Wine Group and its present and former officers, directors, employees, agents, representatives, subsidiaries, affiliates, divisions, departments, predecessor in interest, or any other PERSON acting or purporting to act on its behalf.

4. The term "TWG'S MARK" means the trademark B(URBAN) as depicted in Application No. 85/401,769.

5. The term "OPPOSER'S MARKS" means the marks alleged in paragraph 2 of the Notice of Opposition.

6. The term "DOCUMENTS" has the full extent of its meaning as provided in Rule 34 of the Federal Rules of Civil Procedure and includes, without limitation, any written recorded, computerized, filed, printed or graphic matter, however produced or reproduced, and any drafts, revisions, or amendments thereof.

7. The terms "AND" as well as "OR" shall be construed either disjunctively or conjunctively so as to require the broadest response to any interrogatory.

8. The singular shall always include the plural and the present tense shall always include the past tense.

**II. REQUESTS FOR ADMISSION**

1. Registration No. 3,932,986 is on the Supplemental Register.

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1           2.     The Amendment to Allege Use of the mark in Registration No. 4,178,113 was  
2 filed on October 20, 2011.

3           3.     The claimed date of first use of the mark in Registration No. 4,178,113 was  
4 October 20, 2011.

5           4.     Opposer is not licensed by the Alcohol and Tobacco Tax and Trade Bureau to  
6 make bourbon.

7           5.     Opposer is not licensed by the Alcohol and Tobacco Tax and Trade Bureau to  
8 make any alcohol beverage.

9           6.     Opposer is not licensed by the State of Kentucky to operate as a wholesaler of  
10 bourbon.

11          7.     Opposer is not licensed by the State of Kentucky to operate as a wholesaler of any  
12 alcohol beverage.

13          8.     Opposer is not licensed by the State of Kentucky to sell bourbon to consumers at  
14 retail.

15          9.     Opposer is not licensed by the State of Kentucky to sell any alcohol beverages to  
16 consumers at retail.

17          10.    Opposer has never licensed the mark in Registration No. 4,178,113 for use as a  
18 trademark for bourbon.

19          11.    Opposer has never licensed the mark in Registration No. 3,932,986 for use as a  
20 trademark for bourbon.

21          12.    Opposer has never licensed the mark in Application No. 85/406,324 for use as a  
22 trademark for bourbon.

23          13.    Opposer is unaware of any Chamber of Commerce that makes bourbon.  
24

14. Opposer is unaware of any Chamber of Commerce that makes alcohol beverages.

15. Opposer is unaware of any Chamber of Commerce that sells bourbon at  
wholesale.

16. Opposer is unaware of any Chamber of Commerce that sells alcohol beverages at  
wholesale.

17. Opposer is unaware of any Chamber of Commerce that sells bourbon to  
consumers at retail.

18. Opposer is unaware of any Chamber of Commerce that sells alcohol beverages to  
consumers at retail.

19. Registration No. 4,178,113 is not a certification mark.

20. Registration No. 3,932,986 is not a certification mark.

21. Application No. 85/406,324 is not for a certification mark.

22. Opposer has not used the mark B(URBAN).

23. The mark reflected in Registration No. 4,178,113 consists of two words.

24. The mark reflected in Registration No. 3,932,986 consists of three words.

25. The mark reflected in Application No. 85/406,324 consists of three words.

26. The term "BOURBON" is disclaimed in Registration No. 4,178,113.

27. The term "BOURBON" is disclaimed in Registration No. 3,932,986.

28. The term "BOURBON" is disclaimed in Application No. 85/406,314.

29. Opposer is not claiming that it has the exclusive right to use the term BOURBON  
in connection with Chamber of Commerce services in Class 35.

30. Opposer is not claiming that it has the exclusive right to use the term BOURBON  
in connection with alcohol beverages in Class 33.



31. Opposer filed its Notice of Opposition on January 15, 2013.

32. Bourbon is made in geographic locations other than Kentucky.

33. There is no legal requirement that bourbon must originate in Kentucky.

34. As reflected in the Specimen filed in support of the application that became Registration No. 4,178,113, "Urban Bourbon" was the name of an exhibit at the Kentucky Derby Museum that was to run from March 4, 2012 – December 31, 2012.

35. Opposer was the applicant for the application that became Registration No. 3,932,986.

36. The Examining Attorney for the application that became Registration No. 3,932,986 claimed that there was a likelihood of confusion between the applied for mark (URBAN BOURBAN EXPERIENCE) in Class 35 and a registration of URBAN BOURBAN for "alcoholic beverages, namely bourbons and bourbon-based beverages" in Class 33.

37. During the prosecution of the application that became Registration No. 3,932,986, Opposer argued that there was no likelihood of confusion between the applied for mark (URBAN BOURBAN EXPERIENCE) in Class 35 and a registration of URBAN BOURBAN for "alcoholic beverages, namely bourbons and bourbon-based beverages" in Class 33.

38. The attached document is a true and correct copy of the assignment of Registration No. 3,932,986 from Opposer to the Kentucky Distiller's Association.

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Respectfully submitted,

**LAW OFFICE OF PAUL W. REIDL**

By: /s/ Paul W. Reidl

Dated: May 10, 2013

Paul W. Reidl  
Law Office of Paul W. Reidl  
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*Attorney for Applicant,  
The Wine Group*

**PROOF OF SERVICE**

On May 10, 2013, I caused to be served the following document:

**APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION**

on Opposer by placing a true copy thereof in the United States mail enclosed in an envelope,  
postage prepaid, addressed as follows to their counsel of record at his present business address:

John A. Galbreath  
Galbreath Law Offices  
2516 Chestnut Woods Ct.  
Reisterstown, MD 21136-5523

Executed on May 10, 2013 at Half Moon Bay, California.

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TRADEMARK ASSIGNMENT

WHEREAS, Greater Louisville Convention & Visitors Bureau, with offices located at 401 West Main Street, Suite 2300, Louisville, Kentucky 40202 (hereinafter "Assignor") is record the owner of U.S. Registration No. 3,932,986 for URBAN BOURBON TRAIL; and

WHEREAS, the Kentucky Distillers' Association, with offices at 612-A Shelby Street, Frankfort, Kentucky 40601, desires to acquire all right, title and interest in said trademark registration; and

WHEREAS, Assignor has agreed to transfer all right, title and interest in said trademark to Assignee.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, said Assignor does hereby sell, assign, set over, and transfer to said Assignee the entire right, title and interest in and to said trademark and U.S. Patent and Trademark applications and registrations thereof including U.S. Registration No. 3,932,986, together with the goodwill connected with the use of and symbolized by the trademark, the same and the rights of said Assignor to be held and enjoyed by said Assignee for its own use and enjoyment, and for use and enjoyment of its successors, assigns or other legal representatives, to the end of the term or terms for which the trademark registration may be renewed or reissued, as fully or entirely as the same would have been held and enjoyed by said Assignor if this assignment and sale had not been made, together with all claims for legal and equitable relief of any kind by reason of past infringement of said trademark and trademark applications and registrations, with the right to sue for and obtain the same for its own use and behalf, and for the use of its successors, or other legal representatives.

IN TESTIMONY WHEREOF, said Assignor has caused this agreement to be duly  
executed and become effective on the date of execution indicated below.

This 9<sup>TH</sup> day of December, 2011.

GREATER LOUISVILLE  
CONVENTION & VISITORS BUREAU

Signature:

James T Wood

Name:

JAMES T Wood

Date:

12/9/11

KE296:00KE2:857338:1:LOUISVILLE

PTO Form 1553 (Rev 9/2005)  
OMB No. 0651-0054 (Exp. 09/30/2011)

## EXHIBIT 2, p. 1

### **Trademark/Service Mark Allegation of Use (15 U.S.C. Section 1051(c))**

To the Commissioner for Trademarks:

**MARK:** URBAN BOURBON  
**SERIAL NUMBER:** 85364988

The applicant, Greater Louisville Convention & Visitors Bureau, having an address of  
401 W. Main St. Suite 2300  
Louisville, Kentucky 40202  
United States

is submitting the following allegation of use information:

For International Class 035:

Current identification: Chamber of commerce services, namely, promoting business and tourism in the Kentucky bourbon-producing area

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 10/20/2011, and first used in commerce at least as early as 10/20/2011, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) advertisement.

Specimen-1 [SPN0-728113039-162432103\_-\_Louisville-Urban\_Bourbon\_Specimen.pdf]

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

### **Declaration**

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as

## EXHIBIT 2, p. 2

evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /John A. Galbreath/ Date Signed: 10/20/2011

Signatory's Name: John A. Galbreath

Signatory's Position: Attorney of record, MD bar member

[Back](#)

**To:** Greater Louisville Convention & Visitors ETC. ([jgalbreath@galbreath-law.com](mailto:jgalbreath@galbreath-law.com))

**Subject:** U.S. TRADEMARK APPLICATION NO. 77747378 - URBAN BOURBON TRAIL - L052909

**Sent:** 9/10/2009 6:48:57 PM

**Sent As:** ECOM117@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
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[Attachment - 23](#)  
[Attachment - 24](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/747378

**MARK:** URBAN BOURBON TRAIL

**\*77747378\***



**CORRESPONDENT ADDRESS:**

JOHN A. GALBREATH  
GALBREATH LAW OFFICES, P.C.  
2516 CHESTNUT WOODS CT  
REISTERSTOWN, MD 21136-5523

**RESPOND TO THIS ACTION:**

<http://www.uspto.gov/teas/eTEASpageD.htm>

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** Greater Louisville Convention  
& Visitors ETC.

**CORRESPONDENT'S REFERENCE/DOCKET  
NO:**

L052909

**CORRESPONDENT E-MAIL ADDRESS:**

jgalbreath@galbreath-law.com

**OFFICE ACTION**

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

**ISSUE/MAILING DATE: 9/10/2009**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION – CLASS 21 AND 35**

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. **3087217** in connection with its Class 21 and 35 goods and services. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* *See the enclosed registration.*

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade

channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

Regarding the issue of likelihood of confusion, all circumstances surrounding the sale of the goods and/or services are considered. These circumstances include the marketing channels, the identity of the prospective purchasers, and the degree of similarity between the marks and between the goods and/or services. *See Indus. Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 177 USPQ 386 (C.C.P.A. 1973); TMEP §1207.01. In comparing the marks, similarity in any one of the elements of sound, appearance or meaning may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b). In comparing the goods and/or services, it is necessary to show that they are related in some manner. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); TMEP §1207.01(a)(vi).

## **Comparison of the Marks**

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

Applicant seeks registration of **“URBAN BOURBON TRAIL.”**

The registered mark is **“URBAN BOURBON.”**

Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark. *See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and “21” CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §1207.01(b)(ii)-(iii).

The mere addition of a term to a registered mark generally does not obviate the similarity between the marks nor does it overcome a likelihood of confusion under Trademark Act Section 2(d). *See In re Chatam Int'l Inc.*, 380 F.3d 1340, 71 USPQ2d 1944 (Fed. Cir. 2004) (GASPAR'S ALE and JOSE GASPAR GOLD); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (C.C.P.A. 1975) (BENGAL and BENGAL LANCER); *Lilly Pulitzer, Inc. v. Lilli Ann Corp.*, 376 F.2d 324, 153 USPQ 406 (C.C.P.A. 1967) (THE LILLY and LILLI ANN); *In re El Torito Rests., Inc.*, 9 USPQ2d 2002 (TTAB 1988) (MACHO and MACHO COMBOS); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re U.S. Shoe Corp.*, 229 USPQ 707 (TTAB 1985) (CAREER IMAGE and CREST CAREER IMAGES); *In re Riddle*, 225 USPQ 630 (TTAB 1985) (ACCUTUNE and RICHARD PETTY'S ACCU TUNE); *In re Cosvetic Labs., Inc.*, 202 USPQ 842

(TTAB 1979) (HEAD START and HEAD START COSVETIC); TMEP §1207.01(b)(iii).

**Comparison of the Goods and Services**

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, they need only be related in some manner, or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods and/or services come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); *see, e.g., On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

The applicant provides “Flasks; Shot glasses; Portable coolers; Insulated containers for beverage cans; Coaster sets not of paper and not being of textile; Tasting glasses; Decanters; Paper plates and paper cups, in Class 21; and Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky, in Class 35.”

The registrant provides “alcoholic beverages, namely bourbons and bourbon based beverages.”

The applicant’s goods and services in Classes 21 and 35 are related to, used in connection with and/or promote the goods of the registrant.

Further, a visit to the applicant’s website supports relatedness of the goods and services. *See attachments.*

Material obtained from applicant’s website is acceptable as competent evidence in examination and ex parte proceedings. *See In re N.V. Organon*, 79 USPQ2d 1639, 1642-43 (TTAB 2006); *In re Promo Ink*, 78 USPQ2d 1301, 1302-03 (TTAB 2006); *In re A La Vieille Russie Inc.*, 60 USPQ2d 1895, 1898 (TTAB 2001); TBMP §1208.03; TMEP §710.01(b).

The fact that purchasers are sophisticated or knowledgeable in a particular field does not necessarily mean that they are sophisticated or knowledgeable in the field of trademarks or immune from source confusion. TMEP §1207.01(d)(vii); *see In re Decombe*, 9 USPQ2d 1812 (TTAB 1988); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983). Further, when the relevant consumer includes both professionals and the general public, the standard of care for purchasing the goods is that of the least sophisticated purchaser. *Alfacell Corp. v. Anticancer, Inc.*, 71 USPQ2d 1301, 1306 (TTAB 2004).

The Trademark Act not only guards against the misimpression that the senior user is the source of the junior user’s goods and/or services, but it also protects against “reverse confusion,” that is the junior user is the source of the senior user’s goods and/or services. *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993); *Fisons Horticulture, Inc. v. Vigoro Indust., Inc.*, 30 F.3d 466, 474-75, 31 USPQ2d 1592, 1597-98 (3d Cir. 1994); *Banff, Ltd. v. Federated Dep’t Stores, Inc.*, 841 F.2d 486, 490-91, 6 USPQ2d 1187, 1190-91 (2d Cir. 1988).

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993).

Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

Accordingly, registration is refused pursuant to Trademark Act Section 2(d).

Applicant should also note the following additional refusal:

## **SECTION 2(e)(1) REFUSAL – MERELY DESCRIPTIVE – CLASS 16 AND 35**

Registration is refused because the applied-for mark merely describes a feature, characteristic and/or nature of the applicant's goods and services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. TMEP §1209.01(b); *see In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987).

The determination of whether a mark is merely descriptive is considered in relation to the identified goods and/or services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.*, 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the “documents” managed by applicant's software, not “doctor” as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of “computer programs recorded on disk” where relevant trade used the denomination “concurrent” as a descriptor of a particular type of operating system). “Whether consumers could guess what the product is from consideration of the mark alone is not the test.” *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

Applicant seeks registration of “**URBAN BOURBON TRAIL**” for “Posters; Cookbooks; Travel books, in Class 16; and Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky, in Class 35.”

The word “**urban**” is relevantly defined as: relating to or belonging to a city.

The word “**bourbon**” is relevantly defined as: a type of whiskey distilled mainly in the United States from a fermented mixture of hot water and grain mash containing at least 51 percent corn. [Mid-19th century. After Bourbon County, Kentucky].

The word “**trail**” is relevantly defined as: a route planned or followed for a particular purpose.

Further, a visit to the applicant's website supports the merely descriptive finding. *See attachments.*

“A mark may be merely descriptive even if it does not describe the ‘full scope and extent’ of the applicant's goods or services.” *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (citing *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)); TMEP §1209.01(b). It is enough if the term describes only one significant function, attribute or property. *In re Oppedahl*, 373 F.3d at 1173, 71 USPQ2d at 1371; TMEP

§1209.01(b).

The fact that an applicant may be the first and only user of a merely descriptive designation is not dispositive on the issue of descriptiveness where, as here, the evidence shows that the word or term is merely descriptive. *See In re Sun Microsystems, Inc.*, 59 USPQ2d 1084, 1087 (TTAB 2001); *In re Acuson*, 225 USPQ 790, 792 (TTAB 1985); TMEP §1209.03(c).

The proposed mark “**URBAN BOURBON TRAIL**” is merely descriptive of a feature, characteristic and/or nature of the applicant’s goods and services. Accordingly, the mark is refused registration under section 2(e)(1).

## **Informalities**

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration. If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informalities:

## **Disclaimer Required**

Applicant must disclaim the descriptive wording “bourbon” apart from the mark as shown, for International Class 21, because the applied-for goods are specifically for use with bourbon/liquor. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). *See previously attached definition and printouts from the applicant’s website* .

The following is the accepted standard format for a disclaimer:

No claim is made to the exclusive right to use “**BOURBON**” apart from the mark as shown in connection with the goods in International Class 21.

TMEP §1213.08(a)(i).

The Office can require an applicant to disclaim an unregistrable part of a mark consisting of particular wording, symbols, numbers, design elements or combinations thereof. 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), the Office can refuse registration of an entire mark if the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods. 15 U.S.C. §1052(e). Thus, the Office may require an applicant to disclaim a portion of a mark that, when used in connection with the goods or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). *See* TMEP §§1213, 1213.03.

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

The following cases further explain the disclaimer requirement: *Dena Corp. v. Belvedere Int’l Inc.*, 950 F.2d 1555, 21 USPQ2d 1047 (Fed. Cir. 1991); *In re Brown-Forman Corp.*, 81 USPQ2d 1284 (TTAB 2006); *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983).

Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMEP §1213.01(b).

## **Claimed Prior Registrations Not Pertinent**

Applicant's claim of ownership of U.S. Registration Nos. 3474128 and 3477274 will not be printed on any registration that may issue from this application because the marks are different. Only prior registrations of the same or similar marks are considered related registrations for purposes of an ownership claim. *See* 37 C.F.R. §2.36; TMEP §812.

/RLF/  
Ronald L. Fairbanks  
Trademark Attorney  
Law Office 117  
(571) 272-9405

**RESPOND TO THIS ACTION:** Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Print: Aug 30, 2009

78471873

**DESIGN MARK**

**Serial Number**

78471873

**Status**

REGISTERED

**Word Mark**

URBAN BOURBON

**Standard Character Mark**

Yes

**Registration Number**

3087217

**Date Registered**

2006/05/02

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Diageo Australia Limited CORPORATION AUSTRALIA 4 Distillers Place  
Huntingwood AUSTRALIA NSW 2148

**Goods/Services**

Class Status -- ACTIVE. IC 033. US 047 049. G & S: Alcoholic  
beverages, namely bourbons and bourbon based beverages.

**Foreign Country Name**

AUSTRALIA

**Foreign Priority**

FOREIGN PRIORITY CLAIMED

**Foreign Application Number**

990205

**Foreign Filing Date**

2004/02/23

**Foreign Registration Number**

990205

**Print: Aug 30, 2009**

**78471873**

**Foreign Registration Date**  
2004/12/20

**Foreign Expiration Date**  
2014/02/23

**Filing Date**  
2004/08/23

**Examining Attorney**  
NEVILLE, BRIAN

**Attorney of Record**  
Dana M. Gilland



# URBAN BOURBON



EMAIL SIGN UP:

add me

COUNTRY

HOME

ABOUT US

BOURBON BUZZ

CALENDAR

PLAN A VISIT

SHOP

ALL BOURBON

## URBAN BOURBON TRAIL

After a day in the countryside visiting the seven distilleries on the legendary Kentucky Bourbon Trail, its back to the big city for a stop on the URBAN Bourbon Trail. Louisville has been home to many distillers since Evan Williams marketed his first whiskey in the city in 1780. Until the 1920's, a portion of Main Street was known as "Whiskey Row" when as many as 50 distilleries were active.

**Look who has finished the Urban Bourbon Trail!**

You can sample your favorite bourbons at some of the world's best bourbon bars. Morning, noon or night, bourbon can be found in its natural environment...the Louisville bars and restaurants serving up America's only native spirit in drinks and innovative dishes from mint julep pancakes to bourbon barrel smoked salmon.

The establishments on the Urban Bourbon Trail vary from historic hotel properties that once served Kentucky Whiskey to the likes of Al Capone and F. Scott Fitzgerald to cosmopolitan "scenes" where urban trend-setters are making retro drinks such as the Old-Fashioned and Manhattan in vogue again. Five are in downtown hotels, four have been internationally recognized and six are serving up bourbon-inspired dining. All offer bourbon flights, special bourbon cocktails including the official drink of the Kentucky Derby - the mint julep, and all have at least 50 different bourbon labels on the bar with trained staff that can explain the nuances and tasting notes in the varied offerings from Jim Beam Black to Woodford Reserve Sonoma-Cutrer Finish.

## URBAN BOURBON TRAIL BARS

### Blu

For a modern Louisville experience, step into a fresh new space of contemporary design at Blu. Sample 50 Bourbons, Bourbon-infused appetizers and Bourbon flights in the heart of the city at the Downtown Marriott.

### Bourbons Bistro

Located just two miles from downtown Louisville on Historic Frankfort Avenue, Bourbons Bistro is the bourbon lover's bar with a selection of 130 Bourbons as well as monthly Bourbon dinners. Named by Whisky Magazine as the "2006 American Icon of Whiskey" for restaurants and bars.

### The Brown

Enjoy an Old-Fashioned cocktail in the lavish lobby bar of the Brown Hotel that Southern Living Magazine describes as "straight from a 1930's movie set". At this treasured 1923 landmark, the famous "Hot Brown" was created to satisfy the cravings of the late-night dance crowd. Sample one for yourself.

### Jockey Silks Bourbon Bar & Lounge

Cozy up to a fire and the old world décor of wood, leather and horse-racing memorabilia in one of city's oldest Bourbon bars. Located in the Galt House Hotel & Suites, Jockey Silks features 165 varieties of Bourbon - always generously poured.

### Maker's Mark Bourbon House & Lounge

Located in the city's vibrant Fourth Street Live! entertainment complex. The nearly 60 ft. long wood-topped bar features an entire

Located in the city's vibrant Fourth Street Live! entertainment complex, The nearly 60 ft. long wood-topped bar features an entire wall of backlit Maker's Mark bottles and a spectacular "wall of fire". While it bears the Maker's Mark name, Bourbons from all of Kentucky's distilleries are available.

**Proof on Main**

Housed in five historic buildings, Proof on Main is part of the celebrated 21cMuseum Hotel. Proof's large spirits collection is highlighted by an impressive selection of 50 of Kentucky's finest Bourbons. Named one of the "Best New Restaurants of 2006" by Esquire Magazine.

**The Old Seelbach Bar**

Located in the hotel that served as F. Scott Fitzgerald's inspiration for *The Great Gatsby*, The Old Seelbach Bar has been restored to its authentic, early 1900's décor. The expansive Bourbon bar has been described as "one of the finest stretches of mahogany in the country" by Gary Regan, author of *The Book of Bourbon*.

**URBAN BOURBON TRAIL PASSPORT - NEW PROGRAM!**

**Where to get the Passport**

Visitors Center -- 4th and Jefferson, 502.379.6109

Each of the 5 Urban Bourbon Trail restaurants/bars

**How does it work?**

The program is free

There is no time limit for the completion (we don't expect folks to finish in one night, or even one weekend)

The program is explained at the front of the Passport

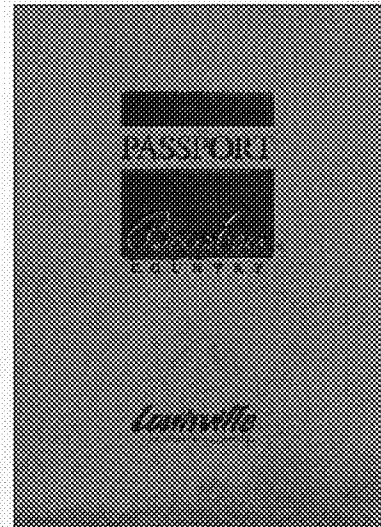
Visit each location, make a purchase (drink/food), get the Passport stamped

The Passport cannot be reused, but you can pick-up a new passport and start another Bourbon Country adventure...

**How do you redeem the Passport?**

If you come to the Visitors Center you'll get both a specially designed t-shirt and a premium giveaway

If you mail the Passport, we'll mail you a specially designed t-shirt



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## KENTUCKY BOURBON TRAIL





Come explore the Kentucky Bourbon Trail, connecting the nation's Bourbon distilleries, where you can see the art of Bourbon-making being practiced much as it was 200 years ago.

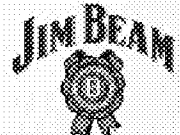
Visit the producers of "America's ONLY Native Spirit" and experience for yourself the magic and science of the Master Distiller's craft, travel through the rolling Kentucky hills when you visit Bourbon Country!


[View a map of the Kentucky Bourbon Trail.](#)



















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The Louisville Visitors Center is open Monday - Saturday, 10 a.m. to 6 p.m. and Sunday, 12:00 p.m. to 5:00 p.m.

**Phone: 1-888-LOUISVILLE/1-888-568-4784 or (502) 584-2121.**



<http://twitpic.com/flv97> - Check out this cool billboard of Maker's Mark...It's Happy Hour time Tweeps!

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## urban or urbane?

Though ultimately from the same Latin form, these words differ in meaning in English. Urban refers generally to cities (as in *the stress of urban life*); urbane means "sophisticated" (as in *an urbane manner*, *He was very urbane*).

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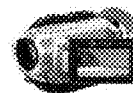
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---

**bourbon**

noun

**Definition:**


**type of whiskey:** a type of whiskey distilled mainly in the United States from a fermented mixture of hot water and grain mash containing at least 51 percent corn

[Mid-19th century. After *Bourbon County*, Kentucky]

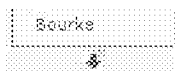
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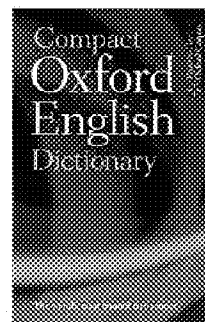
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## Compact Oxford English Dictionary

### trail

• **noun** **1** a mark or a series of signs left behind by the passage of someone or something. **2** a track or scent used in following someone or hunting an animal. **3** a long thin part stretching behind or hanging down from something. **4** a beaten path through rough country. **5** a route planned or followed for a particular purpose: *the tourist trail*.

• **verb** **1** draw or be drawn along behind. **2** follow the trail of. **3** walk or move slowly or wearily. **4** (**trail away/off**) (of the voice or a speaker) fade gradually before stopping. **5** be losing to an opponent in a contest. **6** (of a plant) grow along the ground or so as to hang down. **7** advertise with a trailer.



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or so as to hang down, as a device with a trailer.

— ORIGIN from Old French *traillier* 'to tow' or Low German *treilen* 'haul (a boat)', from Latin *trahere* 'to pull'.

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**Hiking the Urban Bourbon Trail**


May 6, 7:10 PM - NY Global Gourmet Examiner - William M. Dowd

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William M. Dowd photo


LOUISVILLE, KY -- The American Whiskey Trail, which was created by the Distilled Spirits Council of the U.S. (DISCUS) several years ago, covers a meandering path connecting places in New York, Pennsylvania, Virginia, Kentucky and Tennessee.




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However, more localized trails now are popping up. The Louisville Convention and Visitors Bureau created what it calls the "Urban Bourbon Trail." And it, in turn, was created to complement the Kentucky Bourbon Trail designated by the Kentucky Distiller's Association and Kentucky Department of Tourism.

The American Whiskey Trail covers a range of distilleries, historic hosteries, museums and other tourist sites. The Urban Bourbon Trail directs visitors to eight Louisville establishments that feature Kentucky whiskey, most of them in the city's vibrant 4th Street Live! district. Five are in hotels.

The Urban Bourbon Trail has a free passport program you can pick up at the city visitors center, 4th Street and Jefferson (502/379-6109). You can tour the entire Trail over any period of time you want, get the passport stamped when you visit each location and purchase a drink or food there, then redeem the completed passport at the visitors center for a T-shirt and a chance at a premium giveaway.

The Trail spots:

#### • Seelbach Hotel

This is a meticulously restored example of the golden age of grand hotels. Check my story "[The grande dames of Southern hospitality](#)" for a closer look at the historic spot.

#### • Jockey Silks Bourbon Bar & Lounge

A logical name for a city that hosts the Kentucky Derby. It's an old-fashioned style place, located in the Galt House Hotel & Suites and offering 165 varieties of bourbon.

#### • Proof on Main

This establishment is, in a sense, 5-in-1. It's part of the fascinating Z1c Museum, a combination hotel, restaurant, lounge and museum housed in five historic buildings. Go [here](#) for my story and photos.

#### • Maker's Mark Bourbon House & Lounge

You actually can get a lot more than Maker's Mark bourbon in this lively spot in the heart of the Fourth Street Live! entertainment neighborhood. Tends toward a younger crowd taking advantage of the looong bar for conversation.

#### • Blu

Located in the Downtown Marriott hotel, this contemporary spot offers dozens of bourbons, bourbon flights and bourbon-infused appetizers.

#### • The Brown



shocking report. [Learn more](#)



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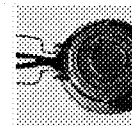
### Recalling the Ritz: Carlton's 'Aquaman'



Sunday, August 30, 2009

Author Doug Frost, writing in *Sommelier Journal*, argues in favor of water sommeliers. The Kansas City, MO, resident, who holds both Master Sommelier

### Waffle Day owes thanks to an Upstate New Yorker



Friday, August 28, 2009

Monday is August 24. So what? you say. Well, August 24 is National Waffle Day. In Upstate New York, that has special meaning. Not simply because

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## • The Brown

This landmark hotel built in the 1920s is a Louisville landmark with a glitzy lobby bar.


## • Park Place on Main


A private line of Woodford Reserve bourbons is among the many offerings -- including very nice bourbon flights -- in the lounge, along with all sorts of bourbon-infused appetizers.

## • Bourbons Bistro

The only stop on the Trail that is outside downtown, but that doesn't mean it's not worth traveling two miles to see Historic Frankfort Avenue. The spot offers 130 bourbons and in 2006 was named Whisky Magazine's "American Icon of Whiskey" among bars and restaurants.

**More About:** Bars/Pubs - Kentucky

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### Philips Medical Health

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## The Urban Bourbon Trail: A New Twist on an Old Favorite

August 14, 2008 by [Kim Linton](#)

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### Louisville Bars and Restaurants Offer Unique Bourbon Sampling Experience

According to the [Louisville](#) Convention and Visitors Bureau website, Bourbon Country, Louisville's rich bourbon heritage began back in 1780 when Evan Williams sold and transported his very first whiskey.

#### Louisville's Whiskey Row

Until the 1920's, Main Street in downtown [Louisville](#) housed as many as 50 distilleries earning the area the nickname "Whiskey Row." Even though Old Forester is the only distillery that remains in the city today, the Kentucky Bourbon Trail has kept Louisville's passion for bourbon alive and well. Buffalo Trace, Four Roses, Heaven Hill, Jim Beam, Maker's Mark, Wild Turkey, and Woodford Reserve distilleries all call Kentucky home.

#### The Urban Bourbon Trail

In May 2008 [Louisville](#) launched the Urban Bourbon Trail (UBT) to give locals and visitors a new way to experience Kentucky bourbon. The Urban Bourbon Trail consists of seven popular downtown [bars](#) and restaurants that must meet stringent guidelines to maintain membership in the exclusive UBT club. Each establishment must offer at least 50 different bourbons, and carry a staff that has a knowledge of how the bourbon industry impacted the culture and history of the city and state.

The Urban Bourbon Trail  
Neighborhood: Downtown

#### The UBT Passport Giveaway

Neighborhood: Downtown  
Louisville, KY 40202  
United States of America

Pick up an Urban Bourbon Trail Passport at one of the participating establishments, then have it stamped when you visit any of the seven UBT bars. After visiting all of the

Urban Bourbon Trail locations you can redeem the passport for free gifts at the Louisville Convention and Visitors Bureau.

#### Urban Bourbon Trail Bars and Restaurants

##### Blu Italian Grill

<http://www.blugrill.com>

Blu is located at the Louisville Marriott downtown off I-65 at Jefferson Street and Third Street, across from the Kentucky International Convention Center. Blu features a fresh, contemporary design and offers 50 different bourbons and bourbon-infused appetizers.

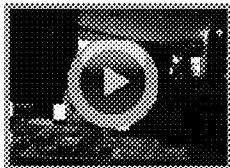
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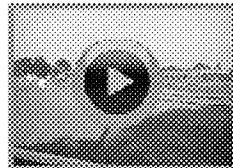
Written by Kim Linton

*Kim is a freelance writer whose articles have been featured on sites like The Wall Street Journal and USA Today, and her ministry related work is read by church leaders around the world.* - Full profile



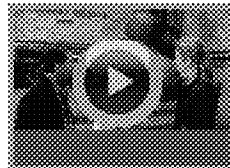
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#### Things to Do In and Around Louisville, Kentucky

Highlights some of the attractions and activities available to visitors in the Louisville, Kentucky area.

By K Hutchins | Published 3/30/2007

#### Churchill Downs - A Must Stop Destination on Your Trip to Louisville

Located in the heart of Louisville, Kentucky, Churchill Downs is arguably the most famous horse racing track in the world. Everyone knows that the Downs is the home to the Kentucky Derby, the first leg of the coveted Triple Crown.

By Eric Summers | Published 7/26/2005

#### Kentucky Derby Party: Where to Go for the Best Derby After-Party



Print: Aug 31, 2009

76311725

**DESIGN MARK**

**Serial Number**

76311725

**Status**

SECTION 8-ACCEPTED

**Word Mark**

KENTUCKY BOURBON TRAIL

**Standard Character Mark**

No

**Registration Number**

2584119

**Date Registered**

2002/06/18

**Type of Mark**

SERVICE MARK

**Register**

SUPPLEMENTAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Kentucky Distillers' Association CORPORATION KENTUCKY 110 West Main  
Street Springfield KENTUCKY 40069

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: association  
services, namely, promoting the interests of the Kentucky bourbon  
industry. First Use: 1999/05/25. First Use In Commerce: 1999/05/25.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: providing  
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Use In Commerce: 1999/05/25.

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**Description of Mark**

"KENTUCKY BOURBON TRAIL" in double bordered rectangle box with "  
KENTUCKY" in white lettering on red background and "BOURBON TRAIL" in  
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**Print: Aug 31, 2009**

**76311725**

**Filing Date**

2001/09/14

**Amended Register Date**

2002/01/22

**Examining Attorney**

GLEASON, THOMAS

**Attorney of Record**

Julie Ann Gregory



Print: Aug 31, 2009

77470390

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**Serial Number**

77470390

**Status**

REGISTERED

**Word Mark**

KENTUCKY BOURBON TRAIL

**Standard Character Mark**

Yes

**Registration Number**

3556684

**Date Registered**

2009/01/06

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Kentucky Distillers' Association NON-PROFIT CORPORATION KENTUCKY 302  
Shelby Street Frankfort KENTUCKY 40601

**Goods/Services**

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services, namely, promoting the interests of the Kentucky bourbon  
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**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: providing  
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**Prior Registration(s)**

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**Print: Aug 31, 2009**

**77470390**

2(F) ENTIRE MARK

**Filing Date**

2008/05/09

**Examining Attorney**

SHARPER, SAMUEL E.

**Attorney of Record**

Julie Ann Gregory

# KENTUCKY BOURBON TRAIL

**To:** Greater Louisville Convention & Visitors ETC. ([jgalbreath@galbreath-law.com](mailto:jgalbreath@galbreath-law.com))

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/747378

**MARK:** URBAN BOURBON TRAIL

**\*77747378\***

**CORRESPONDENT ADDRESS:**

JOHN A. GALBREATH  
GALBREATH LAW OFFICES, P.C.  
2516 CHESTNUT WOODS CT  
REISTERSTOWN, MD 21136-5523

**RESPOND TO THIS ACTION:**

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**APPLICANT:** Greater Louisville Convention  
& Visitors ETC.

**CORRESPONDENT'S REFERENCE/DOCKET  
NO:**

L052909

**CORRESPONDENT E-MAIL ADDRESS:**

jgalbreath@galbreath-law.com

**OFFICE ACTION**

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

**ISSUE/MAILING DATE: 4/10/2010**

**THIS IS A FINAL ACTION.**

This Office action is in response to applicant's communication filed on 3/10/10.

It is noted that the applicant provided the required disclaimer.



Registration of the applied-for mark was refused because of a likelihood of confusion with the mark in U.S. Registration No. 3087217 pursuant to Trademark Act Section 2(d) in connection with the goods and services in Class 21 and 35. Additionally, registration was refused because the applied-for mark merely describes a feature, characteristic and/or nature of applicant's goods and services in Class 16 and 35 pursuant to Trademark Act Section 2(e)(1).

In response the applicant argues (a) the marks are different, and (b) the parties' good/services are unrelated, and (c) that its mark is not merely descriptive in connection with the relevant goods and services in International Class 16 and 35. The examining attorney has reviewed the applicant's arguments and evidence in support thereof and is not persuaded. Accordingly, the refusals to register pursuant to Trademark Act Section 2(d) and 2(e)(1) are maintained and made final.

## **SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION – CLASS 21 & 35 - FINAL**

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. **3087217** in connection with its Class 21 and 35 goods and services. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* *See the previously enclosed registration.*

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

Regarding the issue of likelihood of confusion, all circumstances surrounding the sale of the goods and/or services are considered. These circumstances include the marketing channels, the identity of the prospective purchasers, and the degree of similarity between the marks and between the goods and/or services. *See Indus. Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 177 USPQ 386 (C.C.P.A. 1973); TMEP §1207.01. In comparing the marks, similarity in any one of the elements of sound, appearance or meaning may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b). In comparing the goods and/or services, it is necessary to show that they are related in some manner. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); TMEP §1207.01(a)(vi).

## **Comparison of the Marks**

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

Applicant seeks registration of “**URBAN BOURBON TRAIL.**”

The registered marks is “**URBAN BOURBON.**”

Applicant argues:

*“... the TRAIL portion of Applicant’s mark must also be fully considered. This latter portion carries significant visual and auditory weight. Moreover, the TRAIL portion suggests a series of locations connected by a common thread or element, and thus lends a significantly different connotation and commercial impression to Applicant’s mark than just URBAN BOURBON alone.*

The applicant’s arguments are not persuasive.

Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant’s and registrant’s mark. *See Crocker Nat’l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff’d sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat’l Ass’n*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and “21” CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §1207.01(b)(ii)-(iii).

Consumers are generally more inclined to focus on the first word, prefix or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F. 3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); *see also Mattel Inc. v. Funline Merch. Co.*, 81 USPQ2d 1372, 1374-75 (TTAB 2006); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) (“it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered” when making purchasing decisions).

The mere addition of a term [TRAIL] to a registered mark generally does not obviate the similarity between the marks nor does it overcome a likelihood of confusion under Trademark Act Section 2(d). *See In re Chatam Int’l Inc.*, 380 F.3d 1340, 71 USPQ2d 1944 (Fed. Cir. 2004) (GASPAR’S ALE and JOSE GASPAR GOLD); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (C.C.P.A. 1975) (BENGAL and BENGAL LANCER); *Lilly Pulitzer, Inc. v. Lilli Ann Corp.*, 376 F.2d 324, 153 USPQ 406 (C.C.P.A. 1967) (THE LILLY and LILLI ANN); *In re El Torito Rests., Inc.*, 9 USPQ2d 2002 (TTAB 1988) (MACHO and MACHO COMBOS); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re U.S. Shoe Corp.*, 229 USPQ 707 (TTAB 1985) (CAREER IMAGE and CREST CAREER IMAGES); *In re Riddle*, 225 USPQ 630 (TTAB 1985) (ACCUTUNE and RICHARD PETTY’S ACCU TUNE); *In re Cosvetic Labs., Inc.*, 202 USPQ 842

(TTAB 1979) (HEAD START and HEAD START COSVETIC); TMEP §1207.01(b)(iii).

## **Comparison of the Goods/Services**

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient that the goods and/or services are related in some manner and/or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods and/or services come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); *see, e.g., On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

The applicant provides “Flasks; Shot glasses; Portable coolers; Insulated containers for beverage cans; Coaster sets not of paper and not being of textile; Tasting glasses; Decanters; paper plates and paper cups, in Class 21; and Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky, in Class 35.”

The registrant provides “alcoholic beverages, namely bourbons and bourbon based beverages.”

Applicant argues its goods can be used with a variety of goods, and “*are no more connected with the bourbon and bourbon-based beverages than are many other goods.*” With regards to its services, the applicant argues “*there are many different services that are within the scope of promoting business and tourism, and simply because a particular business or tourist attraction is located in the bourbon-producing region of Kentucky does not mean that the business or tourist attraction is connected with bourbon. Said another way, Applicant's services are not defined as promoting the bourbon business and bourbon tourism.*”

The applicant's arguments are not persuasive.

The applicant's relevant goods and services in Classes 21 and 35 are related to, used in connection with and/or promote the goods of the registrant.

The examining attorney previously attached excerpts from the applicant's website that clearly indicate that its goods/services promote the business and tourism associated with the bourbon industry. *See previous attachments.*

The examining attorney previously attached copies of printouts from the USPTO X-Search database, which showed third-party registrations of marks used in connection with the same or similar services as those of applicant and registrants in this case. The examining attorney attaches additional copies. *See attachments.* Those printouts have probative value to the extent that they serve to suggest that the goods or services listed therein, are of a kind that may emanate from a single source. The applicant's goods and services directly promote and support the industry of which the registrant

In addition to the applicant's website, additional Internet excerpts indicate that many of the distilleries along the trail provide tours and have gift shops that in turn would offer the goods similar to that of the applicant, again in support of the underlying bourbon goods and industry. *See attachments.*

Material obtained from the Internet is generally accepted as competent evidence in examination and ex parte proceedings. *See In re Rodale Inc.*, 80 USPQ2d 1696, 1700 (TTAB 2006) (Internet evidence accepted by the Board to show genericness); *In re White*, 80 USPQ2d 1654, 1662 (TTAB 2006) (Internet evidence accepted by the Board to show false connection); *In re Joint-Stock Co. "Baik"*, 80 USPQ2d 1305, 1308-09 (TTAB 2006) (Internet evidence accepted by the Board to show geographic significance); *Fram Trak Indus. v. WireTracks LLC*, 77 USPQ2d 2000, 2006 (TTAB 2006) (Internet evidence accepted by the Board to show relatedness of goods); *In re Consol. Specialty Rest. Inc.*, 71 USPQ2d 1921, 1927-29 (TTAB 2004) (Internet evidence accepted by the Board to show that geographic location is well-known for particular goods); *In re Gregory*, 70 USPQ2d 1792, 1793 (TTAB 2004) (Internet evidence accepted by the Board to show surname significance); *In re Fitch IBCA Inc.*, 64 USPQ2d 1058, 1060 (TTAB 2002) (Internet evidence accepted by the Board to show descriptiveness); TBMP §1208.03; TMEP §710.01(b).

The fact that purchasers are sophisticated or knowledgeable in a particular field does not necessarily mean that they are sophisticated or knowledgeable in the field of trademarks or immune from source confusion. TMEP §1207.01(d)(vii); *see In re Decombe*, 9 USPQ2d 1812 (TTAB 1988); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983). Further, when the relevant consumer includes both professionals and the general public, the standard of care for purchasing the goods is that of the least sophisticated purchaser. *Alfacell Corp. v. Anticancer, Inc.*, 71 USPQ2d 1301, 1306 (TTAB 2004).

The Trademark Act not only guards against the misimpression that the senior user is the source of the junior user's goods and/or services, but it also protects against "reverse confusion," that is, the junior user is the source of the senior user's goods and/or services. *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993); *Fisons Horticulture, Inc. v. Vigoro Indust., Inc.*, 30 F.3d 466, 474-75, 31 USPQ2d 1592, 1597-98 (3d Cir. 1994); *Banff, Ltd. v. Federated Dep't Stores, Inc.*, 841 F.2d 486, 490-91, 6 USPQ2d 1187, 1190-91 (2d Cir. 1988).

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

Accordingly, the refusals to register pursuant to Trademark Act Section 2(d) is maintained and made final.

Applicant should also note the additional final refusal:

## **SECTION 2(e)(1) REFUSAL – MERELY DESCRIPTIVE – CLASS 16 AND 35 - FINAL**

Registration is refused because the applied-for mark merely describes a feature, characteristic and/or nature of applicant's goods and services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. TMEP §1209.01(b); *see In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987).

Applicant seeks registration of “**URBAN BOURBON TRAIL**” for “Posters; Cookbooks; Travel books, in Class 16; and Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky, in Class 35.”

Applicant argues:

*The mark “considered in its entirety, does not describe a significant function, attribute, or property of the goods and services ...” and that “it is unlikely that the public, exposed to the mark URBAN BOURBON TRAIL and the goods/services, would immediately perceive the mark describes the goods/services.”*

The applicant’s arguments are not persuasive.

The examining attorney previously provided definitions for the words comprising the mark. Further, a visit to the applicant’s website supports the merely descriptive finding. *See previous attachments.*

The determination of whether a mark is merely descriptive is considered in relation to the identified goods and/or services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); *see, e.g., In re Polo Int’l Inc.*, 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the “documents” managed by applicant’s software, not “doctor” as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of “computer programs recorded on disk” where relevant trade used the denomination “concurrent” as a descriptor of a particular type of operating system). “Whether consumers could guess what the product is from consideration of the mark alone is not the test.” *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

“A mark may be merely descriptive even if it does not describe the ‘full scope and extent’ of the applicant’s goods or services.” *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (citing *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)); TMEP §1209.01(b). It is enough if the term describes only one significant function, attribute or property. *In re Oppedahl*, 373 F.3d at 1173, 71 USPQ2d at 1371; TMEP §1209.01(b).

The applied-for mark is merely descriptive of a feature, characteristic and/or subject matter of the relevant goods, as well as the purpose or nature of the identified services. The URBAN BOURBON TRAIL is the focus and vehicle by which the business promotion and tourism services in the bourbon-producing region of Kentucky are provided.

The examining attorney previously provided third-party registrations featuring goods/services that are probative evidence on the issue of descriptiveness where the relevant words or terms were disclaimed, registered under Trademark Act Section 2(f) based on a showing of acquired distinctiveness, or registered on the Supplemental Register. *See previous attachments.*

The proposed mark “**URBAN BOURBON TRAIL**” is merely descriptive of a feature, characteristic and/or nature of applicant’s goods and services. Accordingly, the refusal to register under Trademark Act Section 2(e)(1) is maintained and made final.

## **Proper Response to a Final Action**

If applicant does not respond within six months of the date of issuance of this final Office action, the

application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

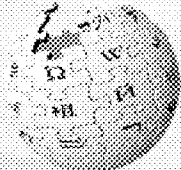
In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

/RLF/  
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**RESPOND TO THIS ACTION:** Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.



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## Bourbon Trail

From Wikipedia, the free encyclopedia  
(Redirected from Bourbon trail)

The **Bourbon Trail** or **Kentucky Bourbon Trail** is the name given to the area in Kentucky where the state's bourbon distilleries are located. It was launched by seven of the eight distilleries in the region.<sup>[1][2]</sup> In 2008, an eighth distillery, Tom Moore Distillery, joined the trail.<sup>[3]</sup> In 2009, Tom Moore Distillery and Buffalo Trace Distillery, both owned by Saxerac, left the trail.<sup>[4]</sup>

Charles Medley Distillers Kentucky in Owensboro, Kentucky has expressed interest in joining the trail, but hasn't produced enough bourbon to qualify.<sup>[5]</sup>

The six trail members are:<sup>[6]</sup>


- ✖ Four Roses Distillery in Lawrenceburg is open for tours Monday through Saturday.
- ✖ Heaven Hill Distillery in Bardstown is open for tours Tuesday through Sunday.
- ✖ Jim Beam Distillery in Clermont is open for tours Monday through Sunday.
- ✖ Maker's Mark Distillery in Loretto is open for tours Monday through Sunday.
- ✖ Wild Turkey Distillery in Lawrenceburg is open for tours Monday through Saturday.
- ✖ Woodford Reserve Distillery near Versailles is open for tours Tuesday through Sunday.

### References

- ↑ Clark, Jayne (2004-04-29). "Sun shines bright on Kentucky bourbon" ⓘ. *USA Today*. Retrieved 2008-11-14.
- ↑ Gilbert, Richard (2003-06-01). "In search of... Bourbon in Kentucky" ⓘ. *The Independent*. Retrieved 2008-11-14.
- ↑ Warren, Jim (2008-08-28). "8th distillery joins Ky. Bourbon Trail" ⓘ. *Lexington Herald-Leader*. Retrieved 2008-11-14.
- ↑ Patton, Janet (2010-02-05). "Buffalo Trace, Tom Moore leave distillers' group, Bourbon Trail" ⓘ. *Lexington Herald-Leader*. Retrieved 2010-03-04.
- ↑ "Owensboro distiller eager to join Bourbon Trail" ⓘ. *The Henderson Kentucky Gleaner*. 2009-09-26. Retrieved 2009-10-07.
- ↑ "Kentucky Bourbon Trail" ⓘ. Kentucky Department of Tourism and the Kentucky Distillers' Association. Retrieved 2008-11-14.


### External links

- ✖ Kentucky Bourbon Trail websiteⓘ



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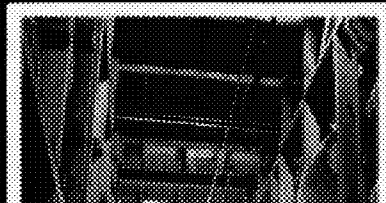




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## Distillery Tour

One trip to our historic distillery and you'll begin to understand why our Bourbon has come to be so mellow. Nestled in the quiet Kentucky countryside near Lawrenceburg, and on the banks of the scenic Salt River, the Four Roses Distillery makes the trip to this very mellow place all that more rewarding. The Distillery was built in 1910 and features a unique Spanish Mission-Style architecture rarely seen in Kentucky. It is listed on the National Register of Historic Places and operates continuously, except for the summer months, typically July through mid-September.



Distillery tours are available Monday through Saturday, on the hour beginning at 9:00 am with the last tour given at 3:00 pm. The Four Roses Gift Shop is open Monday through Saturday from 9:00 am until 4:00 pm.

During the month of July, Distillery Tours will be extremely limited. Please call our Visitor's Center at 502-839-3436 x 18 prior to your visit for more information.

Due to the extended Summer Shutdown period this year, we're modifying our regular





tour experience to include special behind the scenes components. We will enhance the tour through the distillery by allowing our visitors to view normal operating equipment that cannot be seen during production. Photos and descriptions of the Bourbon-making process have also been added. A short video, a presentation by one of our distillery experts, and a sampling of our Bourbons will also be offered during this shutdown period.

For more information please feel free to contact our Visitor Center Staff at (502) 839-3436 (x18).

We will be open for tours on Tuesday, November 4, Federal Election Day, but due to state regulations, we are unable to sell Bourbon products in our gift shop or have the tasting after each tour.

We will be closed November 26, and During the Christmas and New Years Holidays which are as follows: Dec. 24, 25, 31 and Jan. 1.

Be sure and plan to tour our one-of-a-kind single story rack warehouse facilities located in Cox's Creek, Kentucky, approximately one hour from the Distillery by car. Call 502-543-2264 for more information. Warehouse tours are free of charge and by appointment only.

We recommend calling ahead to schedule group tours larger than 10 guests.

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The Wild Turkey Distillery is located at 1525 Tyrone Road, Lawrenceburg, KY, 40342.

We conduct free tours Mon-Sat at 9:00am, 10:30am, 12:30pm, and 2:30pm (Shop hours 9:00am-4:30pm) (closed all major public holidays).

The Wild Turkey Distillery is a genuine, working distillery and we take pride in being able to walk our visitors through the production of the very finest Kentucky Straight Bourbon. From July through September, however, many of our production areas will be inaccessible to tours due to essential maintenance. We will, however, show you as much of the distilling process as we can during this time.

Our visitor center and gift shop will remain fully open, so please drop by and see us. For more information, please call us on (502) 839-2183.

Directions from Louisville: Take Interstate 64 East to 151 South, then US62 East. Journey time is around 50 minutes.  
Directions from Lexington: Take US 60 West to Versailles, then US 62 West. Journey time is around 30 minutes.

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## Distillery Tour

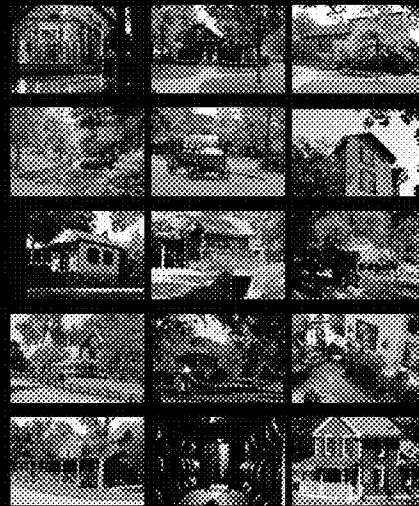
They say seeing is believing. If you're ever out in our neck of the woods, stop by the distillery to see your whisky being made in person. There's nothing like it.

For those making the journey, we conduct tours every hour on the half-hour from 10:30 a.m. to 3:30 p.m., Monday through Saturday. On Sundays, we conduct tours at 1:30, 2:30 and 3:30 p.m., March through December. **All times are Eastern Time.** (We're closed on Sundays in January and February.)

The distillery is open on holidays except for Easter Sunday, Thanksgiving, Christmas Eve, Christmas Day and New Year's Day. For further information, write to our Visitors Center at Maker's Mark Distillery, 3350 Burks Spring Road, Loretto, KY 40037 or call (270) 866-2099. For directions and a map to the distillery, [click here](#).

All tours are free of charge.

You must be 21 or older to dip your own bottle.



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KENTUCKY STRAIGHT BOURBON HANDMADE WHISKY

Distilled and aged by the Maker's Mark Distillery, Inc., Star Hill Farm, Loretto, KY USA. Net wt. 40.2 fl. oz. / 1.18 L.

Makers Mark Bourbon® is a registered trademark of the Kentucky Distillers' Association



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Sting is the latest star to headline a series of 'Buchanan's Forever' concerts in Latin America, which will help raise funds for Diageo's Learning for Life programme.

**MORE**



Spiced Rum



V&S 63



White Horse



Glenlivet 1845

More Scotch Whisky



J&J 12



J&J 1512



J&J 1512



J&J 1512



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J&J 1512



J&J 1512



J&J 1512

Whisky





Bell's  
Special



Buchanan's



Dimple/Pinch

## Scotch Whisky

### Bell's Original Blended Scotch Whisky

**Top markets:** GB, South Africa, Nordics, Spain, Brazil

**Launch:** The company which later became Arthur Bell & Sons was established in 1825.

Up to 40 of the finest malt and grain whiskies are matured in oak casks before being skilfully blended to give Bell's Blended Scotch Whisky its rich nose, warm taste and lingering finish.

**Variants:** Bell's Original, Bell's Special Reserve (GB market only), and Bell's Decanter which is produced each year.

**Fact:** The now famous Bell's Decanters are collectable. They were first produced in the 1930s and since 1988 a decanter has been produced each Christmas.

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### Buchanan's Blended Scotch Whisky

**Top markets:** Venezuela, United States, Mexico, Colombia

**Launch:** 1884

Buchanan's Blended Scotch Whisky is an excellent example of quality with a house style given by James Buchanan. The brand now stands for prestige and tradition that suits the taste and values of the Latin community.

**Variants:** Buchanan's Red Seal, Buchanan's Deluxe 12 year old, Buchanan's Special Reserve 18 year old.

**Fact:** In 1879 James Buchanan moved to London to work as a sales agent for another whisky firm. In 1884 he set up James Buchanan & Co. and set out to create the perfect blended Scotch Whisky - a blend which had the perfect balance of body and flavour and he used his name as a personal guarantee. As a result 'the Buchanan's blend' was born.

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### Dimple/Pinch Blended Scotch Whisky

**Top markets:** Korea, Greece, Germany, United States, Mexico

**Launch:** c. 1890

Dimple Blended Scotch Whisky consisting of over thirty malt and grain whiskies, is produced by Haig, Scotland's oldest surviving Scotch Whisky distiller. Over 300 years of distilling and blending experience ensures a smooth and mellow taste.

**Variants:** 12 year old, 15 year old, 18 year old.

**Fact:** The unique three-sided pinched decanter was the first three-sided bottle to be registered as a trade mark in the US.

[Back to top ↑](#)**J&B Blended Scotch Whisky**

**Markets:** Spain, France, South Africa, United States, Portugal

**Launch:** Justerini and Brooks founded 1749

The number two Blended Scotch Whisky in Europe and number three in the world, J&B has an unconventional heritage, involving love, opera and both English and Italian influences which may explain its international success. A mix of over 40 whiskies carefully blended together produce a smooth and complex flavour. Its unique taste and distinctive character, and the world's 'party whisky', are its predominant brand characteristics.

**Variants:**

- **J&B Rare** – brand adorners in the 1960s included Frank Sinatra, Dean Martin and Sammy Davis Jr
- **J&B Jet** – an extraordinarily smooth whisky in an extraordinarily distinctive pack
- **J&B Reserve** – a smooth and elegant blend of the finest Scotch malt and grain whiskies aged to a minimum of 15 years

**Fact:** A Blended Scotch whisky, J&B's story dates back to 1749 when a young Italian by the name of Giacomo Justerini fell madly in love with an opera singer, Margherita Bellino and followed her to London. Although the love affair came to nothing he made use of a number of recipes he brought with him, created by his uncle, a distiller.

**Visit:** [www.j&b.com](http://www.j&b.com)

[Back to top ↑](#)**Johnnie Walker Blended Scotch Whisky**

**Markets:** United States, Global Travel, Greece, Middle East, Thailand

**Launch:** Johnnie Walker was established in 1820.

The world's leading Scotch Whisky brand and most valuable premium spirit brand according to Impact Databank, Johnnie Walker Blended Scotch Whisky was one of the first truly global brands. In 1820, 100 years after origination, the brand was distributed in 120 countries. Today it is found in almost 200 countries. Six bottles of Johnnie Walker Blended Scotch Whisky are sold every second.

**Variants:**

- **Johnnie Walker Red Label** – a rich, full-bodied blend of up to 35 of the finest single malt and

- **Johnnie Walker Red Label** – a rich, full-bodied blend of up to 35 of the finest single malt and grain whiskies.
- **Johnnie Walker Blue Label** – a blend of the rarest malts and has an array of awards to its name.
- **Johnnie Walker Green Label** – a harmonious blend of the finest single malts with a unique flavour.
- **Johnnie Walker Gold Label** – a celebratory, honeyed blend of hand picked Scotch Whiskies, all of which are aged for at least 18 years.
- **Johnnie Walker Black Label** – Winston Churchill's whisky of choice, a rich, smooth blend of over 40 whistdoo.

**Fact:** Johnnie Walker Scotch Whisky has been winning international quality awards since 1879.

**Visit:** [www.johnniewalker.com](http://www.johnniewalker.com)

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### **Old Parr Blended Scotch Whisky**

**Top markets:** Japan, Mexico, Colombia, Venezuela

**Launch:** 1909

**Variants:** Grand Old Parr (12 year old), Old Parr (15 year old) and Old Parr Superior (18 year old)

Old Parr is well known as a traditional blended Scotch whisky with its unique bottle design

**Fact:** Thomas Parr (known as "Old Par") was apparently Britain's oldest man. He lived for 152 years and at the age of 122 he married for the second time. He is buried in Westminster Abbey, London.

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### **The Singleton Blended Scotch Whisky**

**Top markets:** Taiwan, China, Korea, Asia Duty Free

**Variants:** 12 year old, 18 year old, Special Releases

**Launch:** 2006

'Smooth and rounded... as good an example of this style as I have ever tasted' Charlie Maclean, author of Malt Whisky and leading whisky writer.

**Fact:** Local barley is still malted and carefully dried at the distillery. The distillery is the only one in Scotland malting its own barley using its own on-site Saladin and drum maltings.

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### **Singleton of Dufftown Blended Scotch Whisky**

**Top markets:** GB, European Duty Free

**Variants:** 12 year old, 15 year old



**Launch:** 2007

Produced in traditional way at the Dufftown distillery on Speyside, using a longer fermentation and a slower distillation regime to produce a high quality spirit.

**Fact:** The 12 year old single malt is matured in a high proportion of European oak casks to give it a smoother, richer flavour.

[Back to top ↑](#)**VAT 69 Blended Scotch Whisky**

**Top markets:** Venezuela, Spain, Australia

**Launch:** 1882 (first creation of the Vat 69 blend)

VAT 69 is a reliable and accessible Blended Scotch Whisky with a rugged but canny personality.

**Fact:** In 1914 Sir Ernest Shackleton took supplies of VAT 69 on his Imperial Trans- Antarctic expedition, stating that it would be used for medicinal and celebratory purposes.

[Back to top ↑](#)**White Horse Blended Scotch Whisky**

**Top markets:** Japan, Brazil, Greece, Great Britain, Africa, United States

**Launch:** 1890 (this is the earliest reference, and is also the date that White Horse was registered as a trade mark in the UK by Peter Jeffrey Mackie).

**Variants:** White Horse Fine Old, White Horse Super Premium.

**Fact:** White Horse Blended Scotch Whisky is named after one of Scotland's famous coaching inns. The White Horse Cellar inn in Edinburgh was the starting place for the eight-day coach trip to London.

[Back to top ↑](#)**Windsor Premier Blended Scotch Whisky**

**Top market:** Korea

**Launch:** 1998

Windsor is a premium Scotch Whisky which is recognised by its unique taste and bottle shape.

**Variants:** 12 year old and 17 year old

**Fact:** The Windsor 17 bottle has a luminous glow on the label which can be seen in the dark.

[Back to top ↑](#)**Malt Scotch Whisky**

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Our Classic Malts are a selection of Single Scotch Whiskies from across the regions of Scotland. Each has been selected to represent the differing tastes and characteristics of Single Malt Whiskies. They include:

Caol Ila, Cardhu, Clynelish, Cragganmore, Dalwhinnie, Glen Elgin, Glenkinchie, Knockando, Lagavulin, Oban, Royal Lochnagar, Talisker, The Singleton

For more information visit [www.malts.com](http://www.malts.com)

#### **Caol Ila Single Malt Scotch Whisky**

**The Caol Ila range:** 12 year old, 18 year old, cask strength, Distillers Edition.

Caol Ila is the Gaelic name for the Sound of Islay, which separates the island from Jura in one of the most remote and beautiful parts of Scotland's West Coast.

**Fact:** The distillery was founded in 1846 and is situated on the shores of the Sound, a spot originally chosen partly because of the clean water from Loch Nam Ban which still provides its main supply.

**Visit:** [www.malts.com](http://www.malts.com)

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#### **Cardhu Single Malt Scotch Whisky**

**Launch:** 2003

**The Cardhu range:** 12 year old

The malt whisky produced at the Cardhu distillery has a warmth and cleanliness of taste – often described as silky.

**Fact:** Cardhu Single Malt is Diageo's largest selling Single Malt Whisky and was also the first to be widely sold and marketed.

**Visit:** [www.malts.com](http://www.malts.com)

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#### **Clynelish Single Malt Scotch Whisky**

**Launch:** 1819

**The Clynelish range:** 14 year old, Distillers Edition

You can almost taste the sea air in Clynelish, with its crisp, medium-bodied, mustard-fresh style.

**Fact:** When the original distillery was built in 1819 by the future Duke of Sutherland, the quality of Clynelish Single Malt Scotch Whisky was so prized that only private customers were supplied.

**Visit:** [www.malts.com](http://www.malts.com)

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#### **Cragganmore Single Malt Scotch Whisky**

### **Cragganmore Single Malt Scotch Whisky**

**Launch:** 1869 – when the distillery was established

**The Cragganmore range:** 12 year old, Distillers' Edition

Sweet floral fragrances with a firm body and malty taste, a long finish with delicate aromas and light smoke.

**Fact:** Cragganmore Single Malt Scotch Whisky is known as 'the most complex aroma of any malt - astonishingly fresh and delicate'.

**Visit:** [www.maltscot.com](http://www.maltscot.com)

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### **Dalwhinnie Single Malt Scotch Whisky**

**Launch:** 1897 – when the distillery was established

**The Dalwhinnie range:** 15 year old, Distillers' Edition

A crisp, dry aromatic nose, then soft flavours of heather, honey-sweetness, malt and citrus-fruits lead to a lingering, sweet finish and finally more smoke, peat and malt.

**Fact:** Dalwhinnie is one of the highest operating distilleries in Scotland.

**Visit:** [www.maltscot.com](http://www.maltscot.com)

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### **Glen Elgin Single Malt Scotch Whisky**

**The Glen Elgin range:** 12 year old

As a Speyside malt, its style is smooth mellow and sweetly honeyed.

**Fact:** Glen Elgin was for years most often tasted in the Blended Scotch Whisky, White Horse. Today, once again, it is available as a splendid single malt.

**Visit:** [www.maltscot.com](http://www.maltscot.com)

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### **Glenkinchie Single Malt Scotch Whisky**

**Variants:** 12 year old, Distillers' Edition

A light, sweet nose with fresh, slightly sweet flavours of grass, fruits and malt giving way to an intense smoky-dry, spice-filled finish.

**Fact:** Glenkinchie is Diageo's only producing lowland distillery.

**Visit:** [www.maltscot.com](http://www.maltscot.com)

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### Knockando Single Malt Scotch Whisky

**The Knockando range:** 12 year old, 18 year old, 21 year old

Knockando is a subtle, fruity Single Malt Scotch Whisky which bears all the hall marks of the finest Speyside malts.

**Fact:** The pale, golden colour of Knockando Single Malt Scotch Whisky is entirely natural: it is derived solely from the casks in which it has matured. No colouring is ever added – it is for this reason that the depth of the colour in successive bottlings may vary.

**Visit:** [www.diageo.com](http://www.diageo.com)

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### Lagavulin Single Malt Scotch Whisky

**The Lagavulin range:** 16 year old, Distillers' Edition, 12 year old, Special Releases

A powerful, peat-smoke nose with seaweed and some sweetness, salty and sweet flavours with hints of wood and a long peaty-salt finish.

**Fact:** Here, in the still mainly Gaelic speaking community around Port Ellen, on the island's south eastern shores, twelve men today craft pungent, dark Lagavulin, made on this historic site at least since 1816.

**Visit:** [www.lagavulin.com](http://www.lagavulin.com)

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### Oban Single Malt Scotch Whisky

**The Oban range:** 14 year old, Distillers' Edition

A sweet peat and fruity nose with a spicy mouth-filling sweetness and a long drying finish with smoke and some salt.

**Launch:** 1794 – when the distillery was established

**Fact:** In 1890 a cave was discovered behind the Oban distillery containing Mesolithic human remains.

**Visit:** [www.oban.com](http://www.oban.com)

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### Royal Lochnagar Single Malt Scotch Whisky

**The Royal Lochnagar range:** 12 year old, Selected Reserve, Distillers Edition

This fragrant Highland single malt has a delightful balance of fruit and spices.

**Launch:** 1845 - when New Lochnagar was built by John Begg

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**Fact:** Royal Lochnagar Distillery, just a mile or so along the banks of the River Dee from Balmoral Castle in the East Highlands, earned its royal warrant in 1848.

**Visit:** [www.maltd.com](http://www.maltd.com)

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### Talisker Single Malt Scotch Whisky

**The Talisker range:** 10 year old, 18 year old, Distillers Edition, 57 North, 25 year old, and 30 year old Special Releases

A pungent peat and sea-salt nose, a smoky sweetness with malt-flavours and developing warmth with a huge peppery finish.

**Launch:** 1830 – when the distillery was established

**Fact:** Talisker distillery's process water is drawn from twenty-one underground springs that rise from Hawk Hill (Cnoc nan Speirag) beside the distillery. These same springs have fed the Talisker distillery from the beginning. As its name suggests, the hill is home to birds of prey, usually including Peregrines.

**Visit:** [www.talisker.com](http://www.talisker.com)

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### Singleton of Glendullan

**Top markets:** USA

**Launch:** 2007

Smooth, Sweet richly fruity and rounded; just the right balance of complexity with plenty of rich, sweet flavour and a clean finish

**Fact:** 1902 the Glendullan single malt was supplied by royal request to King Edward VII.

**Visit:** [www.maltd.com](http://www.maltd.com)

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## Whiskey

### Bulleit Bourbon

**Top market:** United States

**Launch:** 1999 United States, 2000 Australia, United Kingdom and Germany

Bulleit Bourbon is russet in color with a rich, oaky aroma. The dry, clean flavour is mellow and smooth, not hot in the throat. This 90 proof Kentucky bourbon delivers a wonderfully complex taste with hints of vanilla and honey and a long smoky finish.

**Fact:** Bulleit Bourbon is distilled and aged in small batches and stored in a single-story warehouse which reduces inconsistencies in the maturation process. The final, 90 proof product is formulated

which reduces inconsistencies in the maturation process. The final, 50 proof product is formulated by mingling, not blending, two and sometimes three of the distillates to ensure consistency in the nose and taste.

**Visit:** [www.bushmills.com/irish](http://www.bushmills.com/irish)

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### **Bushmills Irish Whiskey**

**Top markets:** US, Ireland, GB, France, Bulgaria and Duty Free

**Launch:** Bushmills was granted the rights to distil in 1608, and in 1784 the Old Bushmills Distillery officially registered as a company.

Whiskey making at Bushmills draws on centuries-old distilling history, including a royal licence to distil whiskey granted for the county of Antrim in 1608. At one time there were many hundreds of Irish whiskeys, over the years they have disappeared leaving only Bushmills and a handful of others which is why we say 'Bushmills -- oldest because it is the best, not best because it is oldest.'

**Variants:** Bushmills Original, Black Bush, Bushmills Malt 10 year old, Bushmills Malt 16 year old, Bushmills Malt 21 year old

**Facts:** Bushmills Malt 21 year old Single Malt Irish Whiskey is an extremely rare Single Malt Irish Whiskey. Only a very limited number of bottles are available each year. It is matured in three different types of casks. The whiskey is first aged in American bourbon barrels and Spanish Oloroso sherry casks for 19 years and upwards. The malt whiskey is then vatted and married for another two years in Madeira drums.

**Visit:** [www.bushmills.com](http://www.bushmills.com)

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### **Crown Royal**

**Top markets:** US, Canada, France, Japan, Korea

**Launch:** 1939

Crown Royal is the number one Canadian whisky in the world, and the sixth largest spirits brand in the United States.

**Variants:** Crown Royal Special Reserve, Crown Royal XR, Crown Royal Cask No. 16

**Fact:** The famous Crown Royal purple bag has been used to do a lot more than hold bottles of Crown Royal. For example, one customer is creating a car cover, and a nightclub is sewing vests together for its bartenders.

**Visit:** [www.crownroyal.com](http://www.crownroyal.com)

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## Diageo

From Wikipedia, the free encyclopedia

**Diageo plc** (LSE: [DGE](#), NYSE: [DEO](#)) is the largest multinational beer, wine and spirits company in the world.<sup>[3]</sup> Its head office is located in the City of Westminster in London.<sup>[4]</sup> The company has American Depositary Receipts listed on the New York Stock Exchange, and is listed on the London Stock Exchange where it is a constituent of the FTSE 100 Index.

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### History

Diageo was formed in 1997 from the merger of Guinness plc and Grand Metropolitan plc.<sup>[5]</sup> The creation was driven by the two executives Anthony Greener and Philip Yea at Guinness plus George Bull and John McGrath of Grand Metropolitan.

In 2002 Diageo sold the Burger King fast food restaurant chain to a consortium led by US firm Texas Pacific for \$1.5 billion.<sup>[6]</sup> Diageo also owned Pillsbury until 2000 when it was sold to General Mills.<sup>[7]</sup>

In December 2003, Diageo provoked controversy over its decision to change its Cardhu brand Scotch whisky from a single malt to a vatted malt (also known as a pure malt) whilst retaining the original name and bottle style. Diageo took this action because it did not have sufficient reserves to meet demand in the Spanish market, where Cardhu had been successful. After a meeting of producers, Diageo agreed to make changes.<sup>[8]</sup>

In 2006, the Cardhu brand quietly changed back to being a single malt.<sup>[9]</sup>

In July 2009, Diageo announced that, after nearly 200 years of association with the town of Kilmarnock, they would be closing the Johnnie Walker blending and bottling plant<sup>[10]</sup> as part of restructuring to the business. This would make 700 workers unemployed and caused outrage from press, local people and politicians. A campaign against this decision was launched by the local SNP MSP Willie Coffey and Labour MP Des Browne. A petition was drawn up against the Diageo plans, which also involves the closure of the historic Port Dundas Grain Distillery in Glasgow.<sup>[11]</sup> Plans to kill a herd of 17 roe deer suffering from disease caused by in-breeding on Diageo's Leven site have been controversial in Scotland.<sup>[12][13][14]</sup>

In February 2009 it was reported in the Guardian that the company had restructured itself so as to avoid paying tax in the U.K., despite much of its profits being generated in the U.K.<sup>[15]</sup>

Diageo is engaged in a tax scheme in the United States of America, commonly referred to as the "Rum Bailout".<sup>[16]</sup>

The National Puerto Rican Coalition plans to run a series of ads in New York City and Puerto Rico urging a boycott of Diageo-owned alcoholic drinks to protest the giant British-owned corporation's controversial production move of its Captain Morgan rum from Puerto Rico to the U.S. Virgin Islands.<sup>[17]</sup>

**Diageo plc**

**DIAGEO**

<b>Type</b>	Public (LSE: <a href="#">DGE</a> , NYSE: <a href="#">DEO</a> )
<b>Industry</b>	Beverages
<b>Founded</b>	1997
<b>Headquarters</b>	London, England, UK
<b>Key people</b>	Franz Humer, chairman Paul Walsh, CEO
<b>Products</b>	Alcoholic beverages: Beer, wine, spirits
<b>Revenue</b>	£12,283 million (2009) <sup>[1]</sup>
<b>Operating income</b>	£2,443 million (2009) <sup>[1]</sup>
<b>Net income</b>	£1,725 million (2009) <sup>[1]</sup>
<b>Employees</b>	20,000 (2009) <sup>[1]</sup>
<b>Website</b>	<a href="#">Diageo</a>

[\[edit\]](#)

### Operations

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- \* Türkçe
- \* 中文

Diageo is the holding company for some of the most recognisable alcohol brands, including:<sup>[18]</sup>

- \* Beer: Guinness, Tusker, Smithwick's, Red Stripe, Harp Lager, Kilkenny, Kaliber (non alcoholic)
- \* Scotch whisky: Johnnie Walker, Buchanan's, Cardhu, J&B, Bell's, Black & White, Caol Ila, Vat 69, Oban, Talisker, Lagavulin, Glen Ord, Glenkinchie, Dalwhinnie, Cragganmore, Singleton, Haig, *Royal Lochnagar*, Glen Elgin, Knockando
- \* Baijiu: Shui Jing Fang
- \* Vodka: Smirnoff (Smirnov in Russia), Citoc, Silent Sam, Popov, Ketel One
- \* Gin: Gordon's, Tanqueray, Gilbey's, Booth's
- \* Rum: Captain Morgan, Bundaberg, Pampero, Myers'
- \* Bourbon: Bulleit
- \* Canadian whisky: Crown Royal, Seagram's, Black Velvet
- \* Irish whiskey: Bushmills
- \* Tennessee whiskey: George Dickel
- \* Schnapps: Black Haus, Goldschläger, Rumpel Minze
- \* Mixed drinks: Archers, Pimm's, TGI Friday's
- \* Liqueur: Baileys, Sheridans, Yukon Jack, Godiva's
- \* Wines: Sterling Vineyards, Piat d'Or, Barton & Guestier, Beaulieu Vineyard, Blossom Hill, Canoe Ridge Vineyard, Acacia, Moon Mountain, Dynamite, Chalons, Provenance Vineyards, Hewitt Vineyard, and Rosenblum.

Diageo is the world's biggest whisky producer with 28 malt distilleries and two grain distilleries.

The company operates the Scotch whisky distilleries<sup>[19]</sup> of Auchroisk, Benrinnes, Blair Athol (situated at Pitlochry), Caol Ila, Cardhu, Knockando, Glen Elgin, Clynelish, Cragganmore, Dalwhinnie, Glenkinchie, Glen Ord, Lagavulin, Oban, Royal Lochnagar, Strathmill, Talisker, Teaninich, Mannochnore, Mortlach and Glenlossie, which are sold not only under their own name but used to make the various blended scotch whiskies sold by the company, and owns the stock of many closed distilleries such as Port Ellen, Rosebank, Brora, *Cornwallmore*, Glen Albyn, North Brachin, Banff, and Linlithgow. The company have opened a new malt distillery adjacent to their maltings at Roseisle (1st new make spirit produced Spring 2009). This will be one of the largest malt distilleries in Scotland. The new building contains 14 traditional copper pot stills. An expansion programme is also underway at its Cameron Bridge Grain Distillery in Fife that will make it the largest grain distillery in Scotland. Diageo also owns the Port Dundas Grain Distillery in Glasgow, and jointly operates the North British Grain Distillery in Gorgie, Edinburgh, with The Edrington Group.

Diageo also distributes Unicum, its lighter-bodied variant Zwack and Jose Cuervo tequila products in North America. However, Cuervo operates as a separate company in Mexico and is not owned by Diageo. Similarly Grand Marnier is distributed by Diageo in many markets, including exclusively in Canada, and a deal was reached in 2009 to significantly expand this partnership in Europe.

Furthermore, Diageo owns the Gleneagles Hotel.

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[edit]

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- ↑ *Our People* [?
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- ↑ "Contact us" [? Diageo. Retrieved on 15 December 2009.
- ↑ *Diageo 2009 Annual Report* [?



Pint of Guinness



Diageo global Crown Royal supply plant, [? Gimli, Manitoba, Canada



- 5. ▲ [Spirits soar at Diageo](#)
- 6. ▲ [Diageo sells Burger King](#)
- 7. ▲ [Diageo sells Pillsbury to General Mills](#)
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**FTSE 100 companies of the United Kingdom**

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*As of 7 April 2010:*

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Print: Apr 10, 2010

71634575

**DESIGN MARK**

**Serial Number**

71634575

**Status**

REGISTERED AND RENEWED

**Word Mark**

JACK DANIEL'S

**Standard Character Mark**

No

**Registration Number**

0582789

**Date Registered**

1953/11/24

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

JACK DANIEL'S PROPERTIES, INC. CORPORATION DELAWARE 4040 CIVIC CENTER  
DRIVE SUITE 428 SAN RAFAEL CALIFORNIA 94903

**Goods/Services**

Class Status -- ACTIVE. IC 033. US 049. G & S: WHISKEY. First  
Use: 1875/00/00. First Use In Commerce: 1875/00/00.

**Prior Registration(s)**

0298102;0323914;0394017;0394018;0441002;0513088

**Filing Date**

1952/08/28

**Examining Attorney**

UNKNOWN

**Attorney of Record**

DAVID S GOODER

**JACK DANIEL'S**

Print: Apr 10, 2010

73349751

**TYPED DRAWING**

**Serial Number**

73349751

**Status**

REGISTERED AND RENEWED

**Word Mark**

JACK DANIEL'S

**Standard Character Mark**

No

**Registration Number**

1290702

**Date Registered**

1984/08/21

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

JACK DANIEL'S PROPERTIES, INC. CORPORATION DELAWARE 4040 CIVIC CENTER  
DRIVE, SUITE 528 SAN RAFAEL CALIFORNIA 94903

**Goods/Services**

Class Status -- ACTIVE. IC 006. US 002 013. G & S: Keyrings and  
Metal Boxes. First Use: 1975/00/00. First Use In Commerce:  
1975/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 028. US 022. G & S: Poker Chips, Golf  
Balls, and Golf Ball Markers. First Use: 1976/00/00. First Use In  
Commerce: 1976/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 027. US 042. G & S: Rugs. First Use:  
1976/00/00. First Use In Commerce: 1976/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 026. US 040. G & S: Belt Buckles.  
First Use: 1975/00/00. First Use In Commerce: 1975/00/00.

Print: Apr 10, 2010

73349751

**Goods/Services**

Class Status -- ACTIVE. IC 024. US 042 050. G & S: Pennants and Towels. First Use: 1975/00/00. First Use In Commerce: 1975/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 021. US 002 029 033. G & S: Serving Trays, Drinking Glasses, Jugs, Decanters, Flasks, Cups, Sponges, Pitchers, and Coasters. First Use: 1971/00/00. First Use In Commerce: 1971/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 020. US 032. G & S: Mirrors and Wooden Chests. First Use: 1976/00/00. First Use In Commerce: 1976/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 018. US 003. G & S: Suit Bags for Travel and Duffel Bags. First Use: 1981/00/00. First Use In Commerce: 1981/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 016. US 022. G & S: Playing Cards. First Use: 1973/00/00. First Use In Commerce: 1973/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 014. US 027. G & S: Clocks, and Watches. First Use: 1971/00/00. First Use In Commerce: 1971/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 011. US 021. G & S: Electric Lamps. First Use: 1980/00/00. First Use In Commerce: 1980/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 026. G & S: Thermometers. First Use: 1975/00/00. First Use In Commerce: 1975/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 008. US 023. G & S: Pocket Knives. First Use: 1980/00/00. First Use In Commerce: 1980/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 034. US 008 009. G & S: Matchsafes Not Made of Precious Metals, Matches, and Lighters. First Use: 1975/00/00. First Use In Commerce: 1975/00/00.

**Prior Registration(s)**

0298102;0323914;0582789;AND OTHERS

**Name/Portrait Statement**

The name "Jack Daniel's" is not the name of any particular living individual.

**Print: Apr 10, 2010**

**73349751**

**Filing Date**

1982/02/10

**Examining Attorney**

CLARK, ROBERT C.

**Attorney of Record**

DAVID S. GOODER

Print: Apr 10, 2010

74587817

**DESIGN MARK**

**Serial Number**

74587817

**Status**

REGISTERED AND RENEWED

**Word Mark**

JACK DANIEL'S OLD TIME OLD NO. 7 BRAND QUALITY TENNESSEE SOUR MASH WHISKEY

**Standard Character Mark**

No

**Registration Number**

1942451

**Date Registered**

1995/12/19

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

JACK DANIEL'S PROPERTIES, INC. CORPORATION DELAWARE 4040 CIVIC CENTER DRIVE SUITE 528 SAN RAFAEL CALIFORNIA 94903

**Goods/Services**

Class Status -- ACTIVE. IC 033. US 047 049. G & S: whiskey. First Use: 1991/00/00. First Use In Commerce: 1991/00/00.

**Prior Registration(s)**

0042663;0044460;0582789;AND OTHERS

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRAND QUALITY TENNESSEE SOUR MASH WHISKEY" APART FROM THE MARK AS SHOWN.

**Name/Portrait Statement**

The name "JACK DANIEL'S" does not identify a living individual.

**Filing Date**

1994/10/20

**Print: Apr 10, 2010**

**74587817**

**Examining Attorney**  
MIRMAN, DONNA





Print: Apr 10, 2010

76246380

**DESIGN MARK**

**Serial Number**

76246380

**Status**

REGISTERED

**Word Mark**

JACK DANIEL'S OLD NO.7 BRAND TENNESSEE WHISKEY

**Standard Character Mark**

No

**Registration Number**

2867158

**Date Registered**

2004/07/27

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Jack Daniel's Properties, Inc. CORPORATION DELAWARE 4040 Civic Center Drive Suite 528 San Rafael CALIFORNIA 94903

**Goods/Services**

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050.

G & S: Glass and plastic drinking containers, namely flasks, ceramic mugs, ceramic pitchers, ceramic jugs; sponges for household purposes, wood coasters, cork coasters, swizzle sticks, bowls, decorative boxes made of non-precious metal, food containers and thermal insulated containers for food or beverages, glassware for beverages, and serving trays of non-precious metals. First Use: 2003/07/31. First Use In Commerce: 2003/07/31.

**Prior Registration(s)**

0582789;1758658;1923981;AND OTHERS

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRAND" APART FROM THE MARK AS SHOWN.

**Lining/Stippling Statement**

**Print: Apr 10, 2010**

**76246380**

Applicant claims the color white on black shown in the mark as a feature of the mark. The color black appears in the background and the color white appears in the text and graphics in the mark as shown.

**Name/Portrait Statement**

The name "JACK DANIEL'S" in the mark is not the name of a living individual.

**Filing Date**

2001/04/25

**Examining Attorney**

LOUGHRAN, BARBARA A.

**Attorney of Record**

David S. Gooder



Print: Apr 10, 2010

77020821

**DESIGN MARK**

**Serial Number**

77020821

**Status**

REGISTERED

**Word Mark**

INDIANAPOLIS CULTURAL TRAIL

**Standard Character Mark**

Yes

**Registration Number**

3342258

**Date Registered**

2007/11/20

**Type of Mark**

SERVICE MARK

**Register**

SUPPLEMENTAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Central Indiana Community Foundation NON-PROFIT CORPORATION INDIANA  
615 N. Alabama Street, Suite 119 Indianapolis INDIANA 462041498

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: chamber of  
commerce services; namely, promoting business, tourism, culture,  
community, and recreation in Central Indiana. First Use: 2006/10/13.  
First Use In Commerce: 2006/10/13.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CULTURAL TRAIL" APART  
FROM THE MARK AS SHOWN.

**Filing Date**

2006/10/13

**Amended Register Date**

2007/09/04

**Examining Attorney**

BOONE, CORY.

**Print: Apr 10, 2010**

**77020821**

**Attorney of Record**  
Julia Spoor Gard

# INDIANAPOLIS CULTURAL TRAIL

Print: Apr 10, 2010

77473652

**DESIGN MARK**

**Serial Number**

77473652

**Status**

REGISTERED

**Word Mark**

KENTUCKY BOURBON TRAIL

**Standard Character Mark**

Yes

**Registration Number**

3710981

**Date Registered**

2009/11/17

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Kentucky Distillers' Association NON-PROFIT CORPORATION KENTUCKY 302  
Shelby Street Frankfort KENTUCKY 40601

**Goods/Services**

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Organizing, conducting, and operating tours related to the bourbon industry. First Use: 1999/05/25. First Use In Commerce: 1999/05/25.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational services, namely, providing educational information to others related to the history and current news about the bourbon industry; entertainment services, namely, arranging and conducting special events related to the bourbon industry. First Use: 1999/05/25. First Use In Commerce: 1999/05/25.

**Goods/Services**

Class Status -- ACTIVE. IC 040. US 100 103 106. G & S: Providing information to others related to the bourbon making process. First Use: 1999/05/25. First Use In Commerce: 1999/05/25.



Print: Apr 10, 2010

77473652

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Promoting tourism in the Central Kentucky region of the United States featuring the provision of hospitality referral information, and the provision of consumer information in the field of bourbon and bourbon distilleries to tourists and visitors. First Use: 1999/05/25. First Use In Commerce: 1999/05/25.

**Prior Registration(s)**

2584119

**Section 2f Statement**

as to "KENTUCKY BOURBON"

**Filing Date**

2008/05/13

**Examining Attorney**

SHARPER, SAMUEL E.

**Attorney of Record**

Robert E. Pitts

# KENTUCKY BOURBON TRAIL

Print: Apr 10, 2010

77770120

**DESIGN MARK**

**Serial Number**

77770120

**Status**

REGISTERED

**Word Mark**

TOBACCO HERITAGE TRAIL

**Standard Character Mark**

No

**Registration Number**

3751685

**Date Registered**

2010/02/23

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Roanoke River Rails-to-Trails, Inc. CORPORATION VIRGINIA P.O. Box 150  
South Hill VIRGINIA 23970

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: PROMOTING  
TOURISM AND RECREATION IN SOUTHERN VIRGINIA. First Use: 2007/05/02.  
First Use In Commerce: 2007/06/30.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TOBACCO," "HERITAGE"  
AND "TRAIL" APART FROM THE MARK AS SHOWN.

**Description of Mark**

The mark consists of an outer red ring containing the words "TOBACCO"  
"HERITAGE" "TRAIL" in white. Between the words "TOBACCO" and "TRAIL"  
appears a dark gold arrow head, between the words "TRAIL" and  
"HERITAGE" appears a dark gold arrow head. In the center of the red  
ring, there is a partial tobacco leaf in various shades of light and  
dark gold. Behind the tobacco leaf, there are dark and light gold sun  
rays.

**Print: Apr 10, 2010**

**77770120**

**Colors Claimed**

The color(s) DARK GOLD, LIGHT GOLD, RED AND WHITE is/are claimed as a feature of the mark.

**Filing Date**

2009/06/29

**Examining Attorney**

AGOSTO, GISELLE

**Attorney of Record**

Kathryn Jennison Shultz



Print: Apr 10, 2010

78537084

**DESIGN MARK**

**Serial Number**

78537084

**Status**

REGISTERED

**Word Mark**

JACK DANIEL'S OLD NO 7 BRAND

**Standard Character Mark**

No

**Registration Number**

3518142

**Date Registered**

2008/10/14

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Jack Daniel's Properties, Inc. CORPORATION DELAWARE Suite 528 4040  
Civic Center Drive San Rafael CALIFORNIA 94903

**Goods/Services**

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.

G & S: Paper and paper articles, namely, posters, postcards, paper napkins, paper coasters, mounted and unmounted photographs, bulletin and notice boards, corkboards, calendars, pens and pencils and cases.

First Use: 2005/01/01. First Use In Commerce: 2005/01/01.

**Prior Registration(s)**

1758658;2560175;2643214;AND OTHERS

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRAND" APART FROM THE MARK AS SHOWN.

**Lining/Stippling Statement**

The color(s) BLACK and WHITE is/are claimed as a feature of the mark.

**Name/Portrait Statement**

**Print: Apr 10, 2010**

**78537084**

The name JACK DANIEL does not identify a living individual.

**Description of Mark**

The mark consists of the words "JACK DANIEL'S" in white on a black background, in an arch over a white circle containing, in black, the elements "OLD NO 7 BRAND" with a line under the "O" in the element "NO".

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2004/12/22

**Examining Attorney**

FRENCH, CURTIS

**Attorney of Record**

David S. Gooder





**Response to Office Action**

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77747378
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 117
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
Please see the actual argument text attached within the Evidence section.	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<u>evi 7410312090-181722426 . 77747378-URBAN BOURBON TRAIL mark-Office</u>
<b>CONVERTED PDF FILE(S) (4 pages)</b>	<u>\\TICRS\EXPORT11\IMAGEOUT11\779\811\77981154\LM2Copy\77747378\1\ROA6</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\779\811\77981154\LM2Copy\77747378\1\ROA6</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\779\811\77981154\LM2Copy\77747378\1\ROA6</u>
	<u>\\TICRS\EXPORT11\IMAGEOUT11\779\811\77981154\LM2Copy\77747378\1\ROA6</u>
<b>DESCRIPTION OF EVIDENCE FILE</b>	Argument
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/John A. Galbreath/
<b>SIGNATORY'S NAME</b>	John A. Galbreath
<b>SIGNATORY'S POSITION</b>	Attorney of record, MD bar member
<b>DATE SIGNED</b>	03/10/2010
<b>AUTHORIZED SIGNATORY</b>	YES

**FILING INFORMATION SECTION**

**SUBMIT DATE** Wed Mar 10 18:20:06 EST 2010

**TEAS STAMP** USPTO/ROA-74.103.120.90-2  
0100310182006265193-77747  
378-460aa40c9e6610524a9dd  
fa1771d0e1f7-N/A-N/A-2010  
0310181722426530

PTO Form 1957 (Rev 9/2005)  
OMB No. 0651-0050 (Exp. 04/30/2011)

**Response to Office Action  
To the Commissioner for Trademarks:**

Application serial no. **77747378** has been amended as follows:

**ARGUMENT(S)**

**In response to the substantive refusal(s), please note the following:**

Please see the actual argument text attached within the Evidence section.

**EVIDENCE**

Evidence in the nature of Argument has been attached.

**Original PDF file:**

evi\_7410312090-181722426\_77747378-URBAN\_BOURBON\_TRAIL\_mark-Office\_Action.pdf

**Converted PDF file(s) (4 pages)**

Evidence-1

Evidence-2

Evidence-3

Evidence-4

**SIGNATURE(S)**

**Response Signature**

Signature: /John A. Galbreath/ Date: 03/10/2010

Signatory's Name: John A. Galbreath

Signatory's Position: Attorney of record, MD bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to

withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77747378

Internet Transmission Date: Wed Mar 10 18:20:06 EST 2010

TEAS Stamp: USPTO/ROA-74.103.120.90-2010031018200626

5193-77747378-460aa40c9e6610524a9ddfa177

1d0e1f7-N/A-N/A-20100310181722426530

In the United States Patent and Trademark Office

Serial Number: 77/747,378

Filing Date: 29 May 2009

Applicant(s): Greater Louisville Convention & Visitors Bureau

Mark: URBAN BOURBON TRAIL

Examining Attorney: Fairbanks, Ronald L. - Law Office 117

Office Action Response

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

Dear Sir:

This responds to the Office Action dated September 10, 2009, which contains a Section 2(d) refusal to register the mark for Classes 21 and 35, a Section 2(e)(1) refusal to register the mark for certain goods in Class 16 and services in Class 35, and a disclaimer requirement for Class 21. Applicant requests that its mark be granted registration, in view of the amendments and arguments discussed below.

**I. DISCLAIMER**

Applicant accepts the disclaimer requirement, and states that no claim is made to the exclusive right to use "BOURBON" apart from the mark as shown in connection with the goods in International Class 21.

**II. SECTION 2(d) REFUSAL - LIKELIHOOD OF CONFUSION**

It is important to recognize at the outset that "likelihood of confusion" is a term of art which means the probability of confusion, not merely the possibility of confusion. *See, e.g., Sears,*

*Roebuck & Co. v. All States Life Ins. Co.*, 246 F.2d 161, 168 (5th Cir.), *cert. denied*, 355 U.S. 894 (1957); *see generally Carter Wallace Inc. v. Procter & Gamble, Co.*, 434 F.2d 794 (9th Cir. 1979). Moreover, it is also important to consider that fact that probable confusion requires a finding of probable confusion of a substantial number of reasonable buyers as to the source or connection of the sellers whose products or services are at issue. *See, e.g., Motorola, Inc. v. Griffith Electronics, Inc.*, 317 F.2d 391 (C.C.P.A. 1963). Accordingly, a finding of likelihood of confusion must not be made lightly, but instead must be supported by a rigorous consideration of all elements of the marks and their respective goods/services.

**A. Applicant's Mark is Dissimilar in Appearance, Sound, Connotation, and Commercial Impression to Registered Mark 3087217**

Applicant submits that its URBAN BOURBON TRAIL mark is dissimilar in appearance, sound, connotation, and commercial impression. First, it must be noted that in evaluating similarity, the two marks must be compared in their entirety. *In re National Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985). Thus Applicant's mark cannot be compared only to the URBAN BOURBON portion of registered mark 3087217. Instead, the TRAIL portion of Applicant's mark must also be fully considered. This latter portion carries significant visual and auditory weight. Moreover, the TRAIL portion suggests a series of locations connected by a common thread or element, and thus lends a significantly different connotation and commercial impression to Applicant's mark than just URBAN BOURBON alone.

**B. Applicant's Class Goods Are Dissimilar to Those of Registered Mark 3087217**

Applicant submits that its Class 16 and 35 goods are different than those of registered mark 3087217. For example, the following Class 16 goods of Applicant – portable coolers, insulated containers for beverage cans, coaster sets not of paper and not being of textile, and paper cups – are not necessarily associated with the bourbon and bourbon-based beverages of registered mark 3087217. Portable coolers are used for a wide variety of foods and beverages; beverage can insulators are not used to contain bourbon as this liquor does not come in cans; coaster sets are used to protect surfaces from a wide variety of liquids, and paper cups are not typically used to serve bourbon. Certainly, paper plates are not connected with bourbon or bourbon-based beverages in any way.

Indeed, the Applicant's goods discussed above are no more connected with bourbon and bourbon-based beverages than are many other goods. If paper plates can be said to be related to bourbon, then why not forks, knives, spoons, and other tableware?

Regarding Applicant's Class 35 services, there are many different services that are within the scope of promoting business and tourism, and simply because a particular business or tourist attraction is located in the bourbon-producing region of Kentucky does not mean that the business or tourist attraction is connected with bourbon. Said another way, Applicant's services are not defined as promoting the *bourbon* business and *bourbon* tourism.

For all the above reasons, confusion is unlikely with respect to these Class 21 goods and Class 35 services.

### **III. SECTION 2(e)(1) REFUSAL – MERELY DESCRIPTIVE**

Regarding the Class 16 goods cited – posters, cookbooks, and travel books: the mark URBAN BOURBON TRAIL, *considered in its entirety*, does not describe a significant function, attribute, or property of these goods. Said another way, it is unlikely that the public, exposed to the mark URBAN BOURBON TRAIL and the goods posters, cookbooks, and travel books, would immediately perceive that the mark describes these goods.

Similarly, the mark URBAN BOURBON TRAIL, *considered in its entirety*, does not describe a significant function, attribute, or property of the Class 35 services. Again, it is unlikely that the public, exposed to the mark URBAN BOURBON TRAIL and the business and tourism services, would immediately perceive that the mark describes these services.

In sum, a mark is not *merely* descriptive of goods or services simply because some connection – however tenuous – can be drawn in a piecemeal fashion between a single element of the mark and the goods or services. Instead, the mark must be considered in its entirety, and the connection between the mark as a whole and the goods or services must be strong and significant.

### **CONCLUSION**

For all of the above reasons, Applicant submits that its mark, as amended, is entitled to registration, and respectfully requests such action.

Respectfully,

/John A. Galbreath/  
John A. Galbreath  
Galbreath Law Offices, P.C.  
2516 Chestnut Woods Court  
Reisterstown, MD 21136  
Tel. (410) 628-7770  
Email: [jgalbreath@galbreath-law.com](mailto:jgalbreath@galbreath-law.com)  
Attorney of Record

**Greater Louisville Convention  
and Visitors Bureau**

**Opposer**

**v.**

**The Wine Group LLC**

**Applicant**

---

) **IN THE UNITED STATES**  
) **PATENT AND TRADEMARK OFFICE**  
)  
)  
) **TRADEMARK TRIAL AND APPEAL BOARD**  
)  
)  
) **APPL. NO. 85/736,374**  
)  
) **OPPOSITION NO. 91208855**  
)

**LOUISVILLE’S RESPONSES TO WINE GROUP’S FIRST SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Under 37 CFR § 2.120 and Fed. R. Civ. P. 34, Greater Louisville Convention and Visitors Bureau ("Louisville", "Opposer", or "Plaintiff"), by and through its attorneys identified below, hereby responds to The Wine Group LLC's ("Wine Group", "Applicant", or "Defendant") First Set of Requests for Production of Documents, and states as follows:

Louisville, based upon its current knowledge, understanding, and belief of the facts, information and documents available to it, responds as set forth below. As this action proceeds, Louisville may discover further responsive documents. Louisville reserves the right to modify or supplement these responses accordingly.

These responses are given without prejudice to using or relying on at trial documents omitted from these responses as a result of mistake, error, oversight, or inadvertence. Louisville further reserves the right to object on appropriate grounds to the introduction at trial of any information or documents included in these responses.

Louisville's responses and objections are made without waiving or intending to waive, but on the contrary, preserving and intending to preserve, all objections as to competency, relevancy, materiality, privilege, and admissibility as evidence for any



purpose of the responses, or the subject matter thereof, in this or any subsequent proceeding.

**GENERAL OBJECTIONS**

Louisville objects to all Requests for production of documents on the following grounds, each of which is hereby incorporated by reference into Louisville's individual responses below as if fully stated therein.

1. Louisville objects to the Requests to the extent that they seek to impose duties or obligations on Louisville beyond those imposed by the Federal Rules of Civil Procedure or the applicable Rules of Practice of the United States Trademark Office.

2. Louisville objects to each of the Requests to the extent that it seeks information which is protected by the attorney-client privilege, or which consists of attorney work product, or which is otherwise protected from disclosure. Any inadvertent production of any privileged or protected document will not constitute a waiver of any privilege or protection. Louisville will produce such privilege log as may be required by applicable law in connection with its document production.

3. Louisville objects to each of the Requests for production of documents to the extent that it seeks information which consists of proprietary business information or other confidential information. Louisville will not produce any such information except subject to the protective order entered by the TTAB.

4. Louisville objects to each of the Requests on the grounds and to the extent that it is unduly burdensome and overly broad and thus, in part, is designed to burden, harass, annoy, and oppress Louisville rather than to serve any legitimate discovery purpose. Where the request is overbroad, Louisville will initially produce a

representative sample of requested documents or will produce summary information in lieu of individual documents. After the produced documents are reviewed, Louisville will meet and confer regarding production for inspection of any additional documents specifically requested by Wine Group. Overbreadth is also evident to the extent that electronic information is called for and responsive. The electronic storage media contains extensive data irrelevant to the issues in this case. After the produced documents are reviewed, Louisville will meet and confer with Wine Group and will produce electronic information reasonably requested and specifically identified by Wine Group.

5. Louisville objects to each of the Requests on the grounds and to the extent that it seeks to require Louisville to produce documents which in large part and measure are neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

6. Louisville objects each of the Requests to the extent it seeks documents or information not in the possession, custody, or control of Louisville.

7. Louisville objects to each of the Requests to the extent it seeks documents or information obtainable from some other source that is more convenient, less burdensome, or less expensive.

8. Louisville objects to each of the Requests to the extent it contains repetitive or overlapping requests.

9. Louisville objects to each of the Requests to the extent it does not set forth and describe individual items and categories with reasonable particularity or is otherwise unclear, vague, ambiguous, or unintelligible. By serving this Response, Louisville is not

admitting that there are documents or information responsive to this Request.

10. Louisville objects to each of the Requests insofar as it is intended to limit or restrict Louisville's right to rely on any documents, information, or witness for any purpose whatsoever in this proceeding before discovery is completed. Louisville's objections and responses set forth the information and facts presently known to Louisville. Further discovery may develop additional information affecting the responses to these Requests. Louisville reserves the right to amend or supplement its responses as additional information and documents are identified, facts are ascertained, analyses are made, and trial preparation, discovery, investigation, and legal research are completed. Louisville will supplement the responses only to the extent required by the Federal Rules of Civil Procedure or the applicable Rules of Practice of the United States Trademark Office. These responses are not intended to limit Louisville's use of additional information that Louisville may subsequently obtain during the course of discovery and further investigation.

11. Louisville reserves all objections to the relevancy, materiality or admissibility of any document so produced as evidence for any purpose in any further proceedings in this action, including motions for summary judgment, motions for summary adjudication of issues, and the trial of this action, or in any other action.

12. In responding to these Requests, identification of any document by Louisville shall not constitute an agreement with or a concession as to the veracity of the document, or as to any characterization of the document in these responses. Louisville expressly reserves the right to assert any and all appropriate objections with respect to any such document.

13. Louisville incorporates these General Objections into Louisville's responses to each specific request. Louisville's responses are made without waiver of, or prejudice to, these or any additional objections that the Louisville may make. All such objections are hereby reserved, as is the right to move for a protective order.

14. Louisville objects to the time, place, and manner of the document production set forth in the Requests. Louisville will initially produce a representative sample of requested documents or will produce summary information in lieu of individual documents. After the produced documents are reviewed, Louisville will meet and confer regarding production for inspection of any additional documents requested by Wine Group. Moreover, the fact that Louisville agrees to produce documents in a certain request shall not be interpreted to be an admission or inference that any such documents exist or that Louisville has any such documents in its possession, custody, or control.

15. Louisville objects to Wine Group's request for production of documents to the extent it calls for the production of documents created after the date of the filing of this action, on the grounds that such requests are overly broad, beyond the scope of the cancellation proceeding and not reasonably calculated to lead to the discovery of admissible evidence.

16. Louisville objects to Wine Group's definition of the terms "YOU", "YOUR", and "OPPOSER" on the grounds that they are overbroad, unduly burdensome, oppressive, harassing, vague and ambiguous, and improperly seek information that is not within Louisville's possession, custody or control.

17. Louisville objects to each request to the extent that it seeks documents that contain confidential and private information of a third party, that is not relevant to the

issues in this case.

18. Louisville objects to each request as overbroad, unduly burdensome, and seeking documents that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence to the extent the request seeks documents remote in time, concerning use outside the U.S., and not relevant to this litigation.

19. Louisville objects to the entire set of requests for production on the ground that it is overly broad and burdensome to the extent that it fails to describe or include a time period covered by the requests.

**SPECIFIC RESPONSES AND FURTHER OBJECTIONS**

Louisville adopts and incorporates by reference each of the foregoing General Objections as though fully set forth below as separate objections to each request. The responses to each numbered request follow:

1. All marketing plans for services offered under OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that

it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

2. All business plans for services offered under OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set

forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

3. All promotional materials used for services offered under OPPOSER'S MARKS, including by way of example but without limitation on the generality of the foregoing:

- a. Each print ad;
- b. Each television ad;
- c. Each radio ad;
- d. A sample of each marketing accessory, such as shirts, caps, aprons, etc., that bears OPPOSER'S MARKS; and
- e. All trade materials.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or

commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

4. Each consumer research study of the demographics of actual or potential users of services offered under OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set



forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

5. All DOCUMENTS constituting, comprising, discussing, or related to any consumer research conducted by YOU or on YOUR behalf and in connection with services offered under OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

6. All DOCUMENTS constituting, comprising, discussing, or related to the demographics of consumers of services offered under OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

7. All DOCUMENTS consulted in preparing the responses to APPLICANT'S FIRST SET OF INTERROGATORIES.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground

that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

9. All DOCUMENTS concerning the selection and adoption of each of OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks

confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

10. All DOCUMENTS referencing or discussing TWG'S MARK.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks

documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

11. Each DOCUMENT constituting, reflecting or discussing any actual or contemplated license to third parties to use OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

12. Each newspaper, magazine or trade press article discussing, describing or commenting on services offered under OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

13. Each witness statement provided in connection with this opposition.

Response: Louisville's General Objections set forth above are incorporated by reference

as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

14. Each DOCUMENT concerning: (a) TWG, (b) YOUR awareness of TWG (c) TWG'S MARK, and (d) YOUR claims in this proceeding.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence, since it requests any document concerning Wine Group or Louisville's awareness of Wine

Group, and not just related to this proceeding. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome for the reasons discussed above. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to parts c & d of this request, if any exist.

17. All DOCUMENTS referring to or constituting actual or proposed content for each web site for services offered under OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome since it requests documents and things that are already publicly



available and thus easily obtainable by Wine Group. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request that are not already publicly available, if any exist.

18. Each DOCUMENT reflecting an inquiry from a consumer regarding whether there was a connection between bourbon bearing TWG'S MARK and services offered under OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege

and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

19. Each DOCUMENT reflecting YOUR claimed first use of each of OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks

documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

20. All DOCUMENTS constituting or concerning any Federal, state or local license for selling alcohol beverages in connection with the offering of services OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying

of non-privileged documents and things responsive to this request, if any exist.

21. All DOCUMENTS concerning or supporting the claim made in paragraph 5 of the Notice of Opposition that OPPOSER'S MARKS are "confusingly similar" to Applicant's Mark.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

22. All DOCUMENTS concerning or supporting the claim in paragraph 5 of the

Notice of Opposition that "when used on or in connection with [bourbon],"

APPLICANT'S MARK is likely "to cause confusion, to cause mistake, or to deceive" consumers.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

23. All DOCUMENTS concerning or supporting your claim in paragraph 7 of the

Notice of Opposition that Applicant's goods and Opposer's services are "closely related."

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

24. All DOCUMENTS concerning or supporting your claim in paragraph 8 of the Notice of Opposition that registration of APPLICANT'S MARK will "damage" YOU.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence.

Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

25. All DOCUMENTS concerning or constituting the "exclusive license" claimed in paragraph 2 of the Notice of Opposition.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that

it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

26. All DOCUMENTS concerning the quality control exercised by the Licensor of registered mark no. 3,932,986 as pleaded in paragraph 2 of the Notice of Opposition.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request because it is ambiguous and unclear, in that it concerns “quality control... as pleaded in paragraph 2 of the Notice of Opposition”, and quality control is not pleaded in the cited paragraph. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of



Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will not produce documents as the request concerns a pleading which did not occur.

27. All DOCUMENTS concerning any action taken to enforce YOUR rights in each of OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome since it requests documents and things that are already publicly available and thus easily obtainable by Wine Group. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these

objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request that are not already publicly available, if any exist.

28. Each DOCUMENT constituting an organization chart for OPPOSER.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

29. DOCUMENTS sufficient to show each type of service offered under

OPPOSER'S MARKS.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

30. Each DOCUMENT concerning or reflecting the use of the term "bourbon" as or as part of a trademark.

Response: Louisville's General Objections set forth above are incorporated by reference

as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence, since it requests any document concerning the use of “bourbon” in any trademark, and not just Louisville’s marks or Wine Group’s mark. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome for the reasons discussed above. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will not produce documents responsive to this request.

31. Each DOCUMENT concerning or constituting a license by YOU of Registration No. 4,178,113.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this

proceeding, and not reasonably calculated to lead to the discovery of admissible evidence.

Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

32. All DOCUMENTS constituting, reflecting or discussing communications between YOU and the owner of registration no. 3,932,986.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding and not reasonably calculated to lead to the discovery of admissible evidence, since it requests communications between Louisville and the Kentucky Distillers' Association on any matter, and not just concerning Reg. no. 3,932,986. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly

burdensome for the reasons discussed above. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will not produce documents responsive to this request.

33. All DOCUMENTS reflecting YOUR use of the mark set forth in registration no. 4,178,113 on or in connection with the services stated therein.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or

commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

34. All DOCUMENTS reflecting your plans to use the mark set forth in registration no. 4,178,113 as of on or before July 7, 2011.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set

forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

35. All DOCUMENTS reflecting your use of the mark set forth in registration no. 4,178,113 as of on or before October 20, 2011.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

36. All DOCUMENTS constituting, discussing or reflecting a license of the mark set



forth in registration no. 4,178,113 to the Kentucky Derby Museum.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

37. All DOCUMENTS reflecting communications with the Kentucky Derby Museum regarding the use of the mark set forth in registration no. 4,178,113.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this

proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

38. All DOCUMENTS supporting YOUR Second Affirmative Defense.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that

it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

39. All DOCUMENTS supporting YOUR claim in paragraph 2 of YOUR Second Affirmative Defense that TWG "knew that [OPPOSER] was already using its URBAN BOURBON and URBAN BOURBON TRAIL marks in commerce, since at least as early as [TWG'S] application for the (B)URBAN mark on September 24, 2012."

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or

commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

40. All DOCUMENTS supporting YOUR claim in paragraph 3 of YOUR Second Affirmative Defense that TWG "knew that OPPOSER had already registered its URBAN BOURBON TRAIL mark on March 15, 2011, since at least as early as Wine Group's application for the (B)URBAN mark on September 24, 2012."

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks

documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

41. All DOCUMENTS supporting YOUR claim in paragraph 4 of YOUR Second Affirmative Defense that TWG "knew that [YOU] had already registered its URBAN BOURBON mark on July 24, 2012, since at least as early as Wine Group's application for the (B)URBAN mark on September 24, 2012."

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and

the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

42. All DOCUMENTS supporting YOUR claim in paragraph 5 of YOUR Second

Affirmative Defense that TWG "knew that Louisville had already applied for registration of its URBAN BOURBON EXPERIENCE mark on August 24, 2011, and that this application had been allowed, since at least as early as Wine Group's application for the (B)URBAN mark on September 24, 2012."

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set

forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

43. All DOCUMENTS reflecting the "prejudice" alleged in paragraph 7 of YOUR

Second Affirmative Defense that was allegedly caused by TWG'S delay in petitioning to cancel Registration No. 4,178,113.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

44. All DOCUMENTS supporting YOUR claim that TWG'S claim is barred by the doctrine of laches.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

44. All DOCUMENTS supporting YOUR claim of "bad faith" alleged in paragraph 1 of YOUR Third Affirmative Defense.

Response: Louisville's General Objections set forth above are incorporated by reference



as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

45. All DOCUMENTS supporting YOUR claim that TWG'S claim is barred by the doctrine of unclean hands.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive,

and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

46. All DOCUMENTS supporting YOUR claim in paragraph 3 of YOUR third affirmative defense that "Wine Group sought to benefit from Louisville's advertising and promotion of its URBAN BOURBON, URBAN BOURBON TRAIL, and URBAN BOURBON EXPERIENCE marks, in order to increase the appeal of the (B)URBAN mark for bourbon liquor."

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive,

and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

47. All DOCUMENTS supporting YOUR claim in paragraph 4 of YOUR third affirmative defense that "Wine Group has no knowledge that Louisville has never used its URBAN BOURBON mark for the specified services; no knowledge that Louisville's URBAN BOURBON mark was not in use at the time it filed the specimen of use; and no knowledge that Louisville's URBAN BOURBON mark was not in use at the time of registration."

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive,

and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

48. All DOCUMENTS supporting YOUR claim in paragraph 5 of YOUR third affirmative defense that "Wine Group has no knowledge that Louisville did not have a *bona fide* intention to use its URBAN BOURBON mark as of the filing date."

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that

it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

49. All DOCUMENTS supporting YOUR claim in paragraph 6 of YOUR third affirmative defense that "Wine Group has no knowledge that Louisville did not exercise quality control over the services in connection with licensing its URBAN BOURBON mark."

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the

grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

50. All DOCUMENTS supporting YOUR claim in paragraph 7 of YOUR third affirmative defense that "Wine Group made its counterclaim solely in an attempt to pressure [OPPOSER] into dropping its justified opposition to the (B)URBAN application."

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and

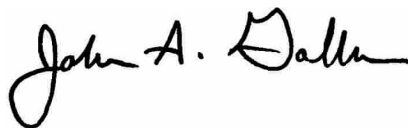
the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

51. All DOCUMENTS supporting YOUR claim in paragraph 8 of YOUR third affirmative defense that "Wine Group has since explicitly engaged in such pressure" to make YOU "drop[] its justified opposition to the B(URBAN) application."

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.

52. All DOCUMENTS constituting or reflecting communications between YOU and TWG regarding this proceeding except those between counsel and the pleadings in the case.

Response: Louisville's General Objections set forth above are incorporated by reference as though fully set forth herein. Louisville objects to this document request on the ground that it seeks documents that are not relevant to a claim or defense of any party in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Louisville further objects to this request on the ground that it is overbroad, oppressive, and unduly burdensome. Louisville also objects to this request to the extent that it seeks confidential communications and/or information protected by the attorney-client privilege and work product doctrine. Moreover, Louisville objects to this request to the extent that it calls for the production of confidential business information, trade secrets, or commercially sensitive information of Louisville. Louisville further objects on the grounds that this request is unreasonably cumulative and duplicative as it seeks documents previously requested. Subject to and in accordance with these objections and the General Objections set forth above and incorporated by reference as though fully set forth herein, Louisville responds as follows: Louisville will permit inspection and copying of non-privileged documents and things responsive to this request, if any exist.



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John A. Galbreath



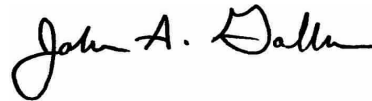
Galbreath Law Offices, P.C.  
2516 Chestnut Woods Ct.  
Reisterstown, MD 21136-5523  
TEL: 410-628-7770  
FAX: 410-666-7274  
EMAIL: jgalbreath@Louisville-law.com

Attorneys for Plaintiff/Opposer

**Certificate of Service:** I certify that on the date below, the foregoing Responses to Production Requests and referenced attachments, if any, were deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

PAUL W. REIDL  
LAW OFFICE OF PAUL W. REIDL  
241 EAGLE TRACE DRIVE, SECOND FLOOR  
HALF MOON BAY, CA 94019

14 June 2013

A handwritten signature in black ink, appearing to read "John A. Galbreath". The signature is fluid and cursive, with the first name "John" being the most prominent.

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John A. Galbreath

**Greater Louisville Convention  
and Visitor's Bureau**

**Plaintiff/Opposer**

**v.**

**The Wine Group LLC**

**Defendant/Applicant**

---

) **IN THE UNITED STATES**  
) **PATENT AND TRADEMARK OFFICE**  
)  
)  
) **TRADEMARK TRIAL AND APPEAL BOARD**  
)  
)  
) **APPL. NO. 85/736,374**  
)  
) **OPPOSITION NO. \_\_\_\_\_**  
)

**NOTICE OF OPPOSITION**

Greater Louisville Convention and Visitor's Bureau ("Louisville" or "Opposer"), by and through its below-identified attorneys, hereby opposes The Wine Group LLC's ("Wine Group" or "Applicant") trademark application serial number 85/736,374, and states as follows:

1. On September 24, 2012, Applicant filed an application in the United States Trademark Office ("Office") to register the (B)URBAN mark for use in connection with bourbon.
2. Opposer owns United States Registration No. 4,178,113 for URBAN BOURBON and United States Application No. 85/406,324 for URBAN BOURBON EXPERIENCE, and is the exclusive, perpetual licensee of United States Registration No. 3,932,986 for URBAN BOURBON TRAIL (collectively, "Opposer's Marks"). The filing dates for Opposer's Marks all predate Applicant's September 24, 2012 filing date.
3. Opposer has used its marks in commerce since at least as early as May 30, 2008, in connection with at least the services identified in the above-referenced applications and registration: Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky.

4. Applicant's mark was filed on an intent-to-use basis, and presumably was not in use as of the September 24, 2012 filing date. Thus, Opposer's priority in its marks predates any priority which may be claimed by Applicant.

5. Applicant's mark is confusingly similar to Opposer's Marks and is likely, when used on or in connection with the goods identified in the Opposed Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

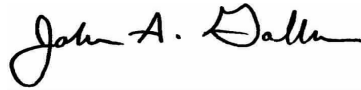
6. The Office has assigned the pseudo mark (BOURBON)URBAN to the opposed application no. 85/736,374.

7. Applicant's goods are closely related to the services in Opposer's Marks. Indeed, Opposer's use of its registered and applied-for marks intimately involves bourbon, which are the goods shown in the Opposed Application. In addition, Opposer may offer for sale and sell bourbon goods under its URBAN BOURBON mark in the future.

8. Opposer will be damaged by Applicant's registration of the mark shown in the Opposed Application because registration would give Applicant *prima facie* evidence of its ownership of an exclusive right to use a mark that is confusingly similar to Opposer's Marks, which rights would interfere with Opposer's continued use of its marks.

WHEREFORE, Opposer requests that the Office deny Applicant's application for registration of the mark shown in Application No. 85/736,374, and grant such other and further relief and damages to Opposer that the Office deems proper.

Respectfully submitted,



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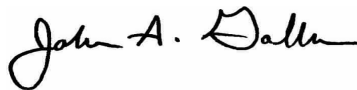
John A. Galbreath  
Galbreath Law Offices  
2516 Chestnut Woods Ct.  
Reisterstown, MD 21136-5523  
TEL: 410-628-7770  
FAX: 410-666-7274  
EMAIL: jgalbreath@galbreath-law.com

Attorneys for Opposer

Certificate of Service: I certify that on the date below, the foregoing Notice of Opposition and referenced attachments, if any, were sent by first-class mail to:

THE WINE GROUP LLC  
4596 S. TRACY BLVD.  
TRACY, CALIFORNIA 95377

15 January 2015



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John A. Galbreath

EXHIBIT 8, p. 1

United States Patent and Trademark Office

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Current Search: S5: "Louisville Convention &amp; Visitors Bureau"[on] and \*bourbon\*[bi,ti,mp,tl] and live[lid]

docs: 19  
occ: 58

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	85406324		URBAN BOURBON EXPERIENCE	TSDR	LIVE
2	85736458		BOURBON DISTRICT	TSDR	LIVE
3	85730863		JUST ADD BOURBON	TSDR	LIVE
4	85866832		BED, BREAKFAST & BOURBON	TSDR	LIVE
5	85866849		BOURBON, BED & BREAKFAST	TSDR	LIVE
6	85302425		BOURBON ROW	TSDR	LIVE
7	85870489		URBAN BOURBON	TSDR	LIVE
8	85243428		KENTUCKY'S BOURBON COUNTRY	TSDR	LIVE
9	85243422		KENTUCKY BOURBON COUNTRY	TSDR	LIVE
10	85382562		GATEWAY TO BOURBON COUNTRY	TSDR	LIVE
11	85619604	4264228	JUST ADD BOURBON	TSDR	LIVE
12	85364988	4178113	URBAN BOURBON	TSDR	LIVE
13	78969008	3474128	BOURBON COUNTRY	TSDR	LIVE
14	77981154	3932986	URBAN BOURBON TRAIL	TSDR	LIVE
15	77498086	4173080	JUST ADD BOURBON	TSDR	LIVE
16	77498087	4109085	BOURBON COUNTRY	TSDR	LIVE
17	77057888	3477274	BOURBON COUNTRY	TSDR	LIVE
18	76667592	3908216	BOURBON COUNTRY	TSDR	LIVE
19	76667591	3925748	BOURBON COUNTRY	TSDR	LIVE

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**Greater Louisville Convention  
and Visitors Bureau**

**Opposer**

**v.**

**The Wine Group LLC**

**Applicant**

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) **IN THE UNITED STATES**  
) **PATENT AND TRADEMARK OFFICE**  
)  
)  
) **TRADEMARK TRIAL AND APPEAL BOARD**  
)  
)  
) **APPL. NO. 85/736,374**  
)  
) **OPPOSITION NO. 91208855**  
)

**Declaration of James Wood**

I, JAMES WOOD, being over the age of eighteen and competent to testify, make the following declaration:

1. I am the President and CEO of the Greater Louisville Convention and Visitors Bureau ("Louisville"), the opposer in the above-captioned opposition proceeding.
2. I am familiar with this opposition proceeding. I am also familiar with The Wine Group LLC's ("Wine Group") requests for production nos. 30 and 32, and with Wine Group's insistence that we collect, organize, copy, and send responsive documents to them instead of permitting them to inspect and copy the documents where they are kept.

**Request for Production No. 30**

3. This requests us to produce "each document concerning or reflecting the use of the term 'bourbon' as or as part of a trademark." However, we have many trademarks that contain the term 'bourbon', besides the URBAN BOURBON, URBAN BOURBON TRAIL, and URBAN BOURBON EXPERIENCE marks relied on in this opposition.
4. These other trademarks – for example, BOURBON COUNTRY, JUST ADD BOURBON, KENTUCKY BOURBON COUNTRY, and GATEWAY TO BOURBON COUNTRY – are quite different from the opposed (B)URBAN mark or the URBAN BOURBON family of marks we are relying on in this opposition. In short, they do not contain the term 'urban' or anything similar to it.

5. Understandably, we have many documents concerning these other marks, which are not relevant to this opposition or the claims or defenses made therein. Permitting Wine Group to inspect and copy these documents would represent a significant additional discovery burden for us, and such efforts would be wasted because of the lack of relevance to this opposition.

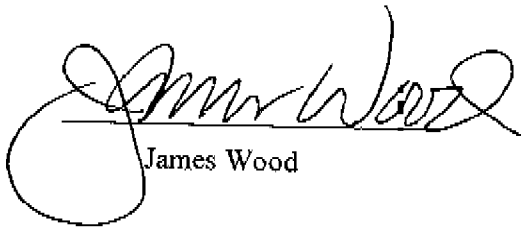
### **Request for Production No. 32**

6. This requests us to produce “all documents constituting, reflecting or discussing communications between [us] and the owner of registration no. 3,932,986.” However, the owner of Registration No. 3,932,986 is the Kentucky Distillers’ Association (“KDA”). Since we and the KDA are located in the same area and have similar organizational objectives, we have had numerous communications with the KDA over the years, on a variety of matters. Many of these communications do not concern Registration No. 3,932,986 or the other marks we are relying on in this opposition, and are not relevant to it. Permitting Wine Group to inspect and copy these documents would represent a significant additional discovery burden for us, and such efforts would be wasted because of the lack of relevance to this opposition.

### **Inspection and Copying of Responsive Documents**

7. Wine Group is insisting that we collect, organize, copy, and send responsive documents to them instead of permitting them to inspect and copy the documents where they are kept. However, we understand that the discovery rules allow for us to permit Wine Group to inspect and copy our documents where they are kept – and for us, this option is greatly preferred. Since our URBAN BOURBON family of marks has been in use for a number of years, we have a great number of documents concerning these marks. Having to collect, organize, copy, and send these responsive documents to Wine Group would represent a significant additional discovery burden for us, versus the allowed option of permitting Wine Group to inspect and copy our documents where the documents are located.
8. In addition, forcing us to collect, organize, copy, and send responsive documents to Wine Group would be inequitable, because Wine Group has stated that they will retain their responsive documents where they are located. Rather than complain about this, since it is allowed under the rules, we scheduled a trip to Wine Group’s location in late August to inspect and copy their documents.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.



James Wood

8/5/13



**Greater Louisville Convention  
and Visitors Bureau**

**Opposer**

**v.**

**The Wine Group LLC**

**Applicant**

---

) **IN THE UNITED STATES**  
) **PATENT AND TRADEMARK OFFICE**  
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) **APPL. NO. 85/736,374**  
)  
) **OPPOSITION NO. 91208855**  
)

**Declaration of Christopher Kipper**

I, CHRISTOPHER KIPPER, being over the age of eighteen and competent to testify, make the following declaration:

1. I am Vice President of Finance & Administration for the Greater Louisville Convention and Visitors Bureau ("Louisville"), the opposer in the above-captioned opposition proceeding.
2. I am familiar with this opposition proceeding. I am also familiar with The Wine Group LLC's ("Wine Group") requests for production nos. 30 and 32, and with Wine Group's insistence that we collect, organize, copy, and send responsive documents to them instead of permitting them to inspect and copy the documents where they are kept.

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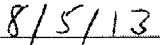
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The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that all

statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

  
\_\_\_\_\_  
Christopher Kipper

  
\_\_\_\_\_  
Date

**Greater Louisville Convention  
and Visitors Bureau**

**Opposer**

**v.**

**The Wine Group LLC**

**Applicant**

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) **IN THE UNITED STATES**  
) **PATENT AND TRADEMARK OFFICE**  
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)  
) **APPL. NO. 85/736,374**  
)  
) **OPPOSITION NO. 91208855**  
)

**Declaration of Stacey Yates**

I, STACEY YATES, being over the age of eighteen and competent to testify, make the following declaration:

1. I am Vice President of Marketing Communications for the Greater Louisville Convention and Visitors Bureau ("Louisville"), the opposer in the above-captioned opposition proceeding.
2. I am familiar with this opposition proceeding. I am also familiar with The Wine Group LLC's ("Wine Group") requests for production nos. 30 and 32, and with Wine Group's insistence that we collect, organize, copy, and send responsive documents to them instead of permitting them to inspect and copy the documents where they are kept.

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statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Stacey Yates  
Stacey Yates

8-5-13  
Date

EXHIBIT 12, p. 1

United States Patent and Trademark Office

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Current Search: S6: \*bourbon\*[bi,ti,mp,tl] and live[lid] docs: 285 occ: 572

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	86012905		KENTUCKY BLUEGRASS AND BOURBON	TSDR	LIVE
2	86009543		MORE BARRELS OF BOURBON THAN PEOPLE	TSDR	LIVE
3	86004320		THE BOURBON BAY	TSDR	LIVE
4	86004096		BOURBON SQUARE	TSDR	LIVE
5	86004038		BOURBON SQUARE	TSDR	LIVE
6	85770444		JIM BEAM B MEDALLION BLACK DOUBLE AGED AGED 8 YEARS KENTUCKY STRAIGHT BOURBON WHISKEY JAMES B BEAM 43% ALC/VOL {86 PROOF}	TSDR	LIVE
7	85406324		URBAN BOURBON EXPERIENCE	TSDR	LIVE
8	85901881		BOURBONIC PLAGUE	TSDR	LIVE
9	85869192		THE LEGENDARY HATFIELD & MCCOY BOURBON	TSDR	LIVE
10	85811259		JESSE JAMES AMERICA'S OUTLAW BOURBON WHISKEY	TSDR	LIVE
11	85714375		GLADIATOR BOURBON BARREL AGED SERIES ESSEDARIUS IMPERIAL ROMAN ALE	TSDR	LIVE
12	85380491	4374383	BAR 145 BURGERS BANDS BOURBON	TSDR	LIVE
13	85951444		KENTUCKY BOURBON STARTS HERE	TSDR	LIVE
14	85951439		BOURBON STARTS HERE	TSDR	LIVE
15	85899927		BOURBONOGRAPHY	TSDR	LIVE
16	85667399		WAITSBURG BOURBON WHISKEY	TSDR	LIVE
17	85829288		BOURBON UNIVERSITY	TSDR	LIVE
18	85829283		UNIVERSITY OF BOURBON	TSDR	LIVE
19	85736458		BOURBON DISTRICT	TSDR	LIVE
20	85730863		JUST ADD BOURBON	TSDR	LIVE
21	85726558		BOURBON ST THE CLUB	TSDR	LIVE
22	85725286		BOURBON ST THE SHOW	TSDR	LIVE
23	85590168	4300388	BOURBONS OF THE BLUEGRASS	TSDR	LIVE
24	85866832		BED, BREAKFAST & BOURBON	TSDR	LIVE

EXHIBIT 12, p. 2

25	85864617		BOURBON 30	TSDR	LIVE
26	85979486		BOURBON BROTHERS	TSDR	LIVE
27	85897313		WARRIOR BOURBON	TSDR	LIVE
28	85869107		BOURBON ROYALTY	TSDR	LIVE
29	85575671		ORIGINAL CULINARY BOURBON	TSDR	LIVE
30	85409356		GEO. G. BROWN EST'D OLD FORESTER 1870 FIRST BOTTLED BOURBON OLD FORESTER EST'D 1870 KENTUCKY STRAIGHT BOURBON WHISKY	TSDR	LIVE
31	85858267		BOURBON BROTHERS	TSDR	LIVE
32	85693721		OLD PEPPER BOURBON	TSDR	LIVE
33	85890820		BANK & BOURBON	TSDR	LIVE
34	85970177		TASTE OF BOURBON	TSDR	LIVE
35	85866849		BOURBON, BED & BREAKFAST	TSDR	LIVE
36	85728328	4366067	KENTUCKY BOURBON TRAIL OFFICIAL SPONSOR	TSDR	LIVE
37	85885924		GIT YER BOURB ON	TSDR	LIVE
38	85875627		BOURBON BROTHERS BRANDS	TSDR	LIVE
39	85805735	4361534	BOURBON COUNTY	TSDR	LIVE
40	85550348		SON OF A BOURBON	TSDR	LIVE
41	85797286		BITCHIN' BOURBON	TSDR	LIVE
42	85943520		DARK AGE BOURBON STOUT	TSDR	LIVE
43	85241631		BRASS NOTE SMALL BATCH BOURBON	TSDR	LIVE
44	85874964		THE WORLD'S NO. 1 BOURBON JIM BEAM BOURBON KENTUCKY STRAIGHT BOURBON WHISKEY JAMES B. BEAM NONE GENUINE WITHOUT MY SIGNATURE DISTILLED AND BOTTLED BY JAMES B. BEAM DISTILLING CO. BEAM CLERMONT FRANKFORT, KENTUCKY USA B BEAM FORMULA A STANDARD SERVICE SINCE 1795 LEGACY SEVEN GENERATIONS OF THE BEAM FAMILY QUALITY GENUINE BEAM BOURBON AGED 4 YEARS PAINSTAKINGLY AGED FOR FOUR YEARS, JIM BEAM KENTUCKY STRAIGHT BOURBON WHISKEY HAS ALWAYS BEEN AN INDEPENDENT SPIRIT, MADE FOR THOSE WHO TAKE THEIR BOURBON SERIOUSLY HANDCRAFTED FAMILY RECIPE SINCE 1795	TSDR	LIVE
45	85874955		THE WORLD'S NO. 1 BOURBON JIM BEAM BOURBON KENTUCKY STRAIGHT BOURBON WHISKEY JAMES B. BEAM NONE GENUINE WITHOUT MY SIGNATURE DISTILLED AND BOTTLED BY JAMES B. BEAM DISTILLING CO. BEAM CLERMONT FRANKFORT, KENTUCKY USA B BEAM FORMULA A STANDARD SERVICE SINCE 1795 LEGACY SEVEN GENERATIONS OF THE BEAM FAMILY QUALITY GENUINE BEAM BOURBON AGED 4 YEARS PAINSTAKINGLY AGED FOR FOUR YEARS, JIM BEAM KENTUCKY STRAIGHT BOURBON WHISKEY HAS ALWAYS BEEN AN INDEPENDENT SPIRIT, MADE FOR THOSE WHO TAKE THEIR BOURBON SERIOUSLY HANDCRAFTED FAMILY RECIPE SINCE 1795	TSDR	LIVE
46	85853917		CREEK BED BOURBON	TSDR	LIVE
47	85846741		BOURBON BOOT CAMP	TSDR	LIVE
48	85674144	4356821	BLANTON'S THE ORIGINAL SINGLE BARREL BOURBON WHISKEY	TSDR	LIVE
49	85595590	4356426	CAFFÈ BORBONE	TSDR	LIVE
50	85809765		BOURBON'S BIRTHPLACE	TSDR	LIVE
51	85959537		BOURBON WOMEN	TSDR	LIVE
52	85956664		BARRELL BOURBON	TSDR	LIVE
53	85955805		TALLEYRAND BOURBON	TSDR	LIVE
54	85804579		OFFICIAL TRAILHEAD OF THE KENTUCKY BOURBON TRAIL	TSDR	LIVE
55	85955175		O.Z. TYLER HANDCRAFTED BOURBON	TSDR	LIVE



EXHIBIT 12, p. 3

56	85951904		OLD PLANK BOURBON	TSDR	LIVE
57	85865159		BOURBON CHICKEN MELT	TSDR	LIVE
58	85645421		THE EVAN WILLIAMS BOURBON EXPERIENCE	TSDR	LIVE
59	85302425		BOURBON ROW	TSDR	LIVE
60	85862336		BOURBON SHOULDN'T BURN	TSDR	LIVE
61	85863707		YEAH, BABY!! N'AWLIN'S BEST CAJUN CREOLE SEASONING NEW ORLEANS, LOUISIANA BEAU BOURBON	TSDR	LIVE
62	85819750		A SHOT OF BOURBON	TSDR	LIVE
63	85697117		BOURBON STREET BOOKS	TSDR	LIVE
64	85697111		BOURBON STREET BOOKS	TSDR	LIVE
65	85673877		BOURBON STREET BOOKS	TSDR	LIVE
66	85673873		BOURBON STREET BOOKS	TSDR	LIVE
67	85944444		THEBOURBONBABE	TSDR	LIVE
68	85943662		BOURBON BROTHERS	TSDR	LIVE
69	85942311		REBELLION BOURBON	TSDR	LIVE
70	85856633		BEEF BOURBONE	TSDR	LIVE
71	85939430		MONTUCKY BOURBON WHISKEY	TSDR	LIVE
72	85804565		OFFICIAL GATEWAY TO THE KENTUCKY BOURBON TRAIL	TSDR	LIVE
73	85727462		UNDERCOVER BOURBON BAR	TSDR	LIVE
74	85449557	4235479	THE BOURBON REVIEW	TSDR	LIVE
75	85219493		THREE BOYS BOURBON	TSDR	LIVE
76	85480057		SMOKE WAGON BOURBON	TSDR	LIVE
77	85168040		BOURBON OF PROOF	TSDR	LIVE
78	85800652		BOURBON BARREL GIN	TSDR	LIVE
79	85745731	4342405	BOURBON JACKS	TSDR	LIVE
80	85599514	4341095	BOURBON STREET BAR · GRILLE	TSDR	LIVE
81	85466830		BROWN BEAR BOURBON	TSDR	LIVE
82	85933516		BOURBON DONE RIGHT	TSDR	LIVE
83	85091268	3959903	BEER, BOURBON & BBQ FESTIVAL	TSDR	LIVE
84	85796839		BOURBON GIRL AUSTIN TEXAS	TSDR	LIVE
85	85796833		BOURBON GIRL AUSTIN TEXAS	TSDR	LIVE
86	85795913		BOURBON GIRL	TSDR	LIVE
87	85755344	4338791	KENTUCKY BOURBON TRAIL CRAFT TOUR	TSDR	LIVE
88	85726700	4338130	KENTUCKY BOURBON TRAIL CRAFT TOUR	TSDR	LIVE
89	85645812		BOURBON BEALE BROADWAY AND BACK	TSDR	LIVE
90	85839229		FATBOY BOURBON	TSDR	LIVE
91	85489307		MULLIGAN'S BOURBON PREMIUM BOURBON WHISKEY	TSDR	LIVE
92	85293201		1812 SPECIAL RESERVE BOURBON	TSDR	LIVE
93	85926525		BOURBON LANE STABLE	TSDR	LIVE
94	85924559		BOURBON WOOD TRADING COMPANY	TSDR	LIVE
95	85922808		BEANBALL BOURBON	TSDR	LIVE
96	85915931		BOURBON ST. CHOCOLATE	TSDR	LIVE
97	85913279		KENTUCKY BOURBON BARREL STOUT	TSDR	LIVE
98	85440273		BOURBON STREET BOURBON	TSDR	LIVE
99	85855412		BREAKER BOURBON WHISKY	TSDR	LIVE
100	85909901		CHRISTMAS BOURBON	TSDR	LIVE

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101	85271999		GREAT BOURBON EXPERIENCE	TSDR	LIVE
102	85272001		GREAT BOURBON EXPERIENCE	TSDR	LIVE
103	85271997		GREAT BOURBON EXPERIENCE	TSDR	LIVE
104	85271893		GREAT BOURBON EXPERIENCE	TSDR	LIVE
105	85271891		GREAT BOURBON EXPERIENCE	TSDR	LIVE
106	85271889		GREAT BOURBON EXPERIENCE	TSDR	LIVE
107	85817397		BROOKLYN BOURBON	TSDR	LIVE
108	85817306		SAVANNAH SAVANNAH BOURBON COMPANY	TSDR	LIVE
109	85899487		BLACK HAWK BOURBON	TSDR	LIVE
110	85784223		AMERICAN BOURBON ASSOCIATION EST. 2012	TSDR	LIVE
111	85784219		AMERICAN BOURBON ASSOCIATION EST. 2012	TSDR	LIVE
112	85770924		SECESSION BOURBON	TSDR	LIVE
113	85293162		OWEN'S RARE BOURBON	TSDR	LIVE
114	85809680		BOURBON LOUNGE	TSDR	LIVE
115	85784222		AMERICAN BOURBON ASSOCIATION EST. 2012	TSDR	LIVE
116	85784217		AMERICAN BOURBON ASSOCIATION EST. 2012	TSDR	LIVE
117	85784215		AMERICAN BOURBON ASSOCIATION EST. 2012	TSDR	LIVE
118	85767512		THE ORIGINAL BOURBON COUNTY PROJECT	TSDR	LIVE
119	85805499		LOUIS ALEX BOURBON BARREL DOUBLE WOOD FINISH AGED COGNAC AND ORANGE PATIENTLY MELLOWED IN BOURBON BARRELS	TSDR	LIVE
120	85363964		BOURBONTOWNE	TSDR	LIVE
121	85363872		BOURBONTOWNE	TSDR	LIVE
122	85322194	4147791	ESTD. AN 1855 WILD TURKEY 81 PROOF REAL KENTUCKY KENTUCKY STRAIGHT BOURBON WHISKEY	TSDR	LIVE
123	85322157	4147790	ESTD AN 1855 WILD TURKEY 101 PROOF REAL KENTUCKY KENTUCKY STRAIGHT BOURBON WHISKEY	TSDR	LIVE
124	85886475		PURE BOURBON	TSDR	LIVE
125	85272003		GREAT BOURBON EXPERIENCE	TSDR	LIVE
126	85271995		GREAT BOURBON EXPERIENCE	TSDR	LIVE
127	85389307		D.B. COOPER BOURBON	TSDR	LIVE
128	85756400		EVAN WILLIAMS BOURBON EXPERIENCE	TSDR	LIVE
129	85734400		BOURBON JACKS BAR & GRILL	TSDR	LIVE
130	85870489		URBAN BOURBON	TSDR	LIVE
131	85869197		THE LEGENDARY HATFIELD & MCCOY BOURBON	TSDR	LIVE
132	85869194		THE LEGENDARY HATFIELD & MCCOY BOURBON	TSDR	LIVE
133	85868911		THE LEGENDARY HATFIELD & MCCOY BOURBON	TSDR	LIVE
134	85868908		THE LEGENDARY HATFIELD & MCCOY BOURBON	TSDR	LIVE
135	85115695	4301769	BELLE MEADE BOURBON	TSDR	LIVE
136	85864260		ORIGINAL CULINARY BLENDED BOURBON	TSDR	LIVE
137	85243428		KENTUCKY'S BOURBON COUNTRY	TSDR	LIVE
138	85243422		KENTUCKY BOURBON COUNTRY	TSDR	LIVE
139	85690912	4298260	BOOTS, BOURBON & BREW	TSDR	LIVE
140	85772045		BOURBON BARREL HONEY	TSDR	LIVE
141	85444613	4207992	BOURBON CLASSIC	TSDR	LIVE
142	85382562		GATEWAY TO BOURBON COUNTRY	TSDR	LIVE
143	85120226		PELHAM RIDGE BOURBON	TSDR	LIVE

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144	85726037		JANE BOURBON WHISKEY	TSDR	LIVE
145	85342250		RED STATE BOURBON	TSDR	LIVE
146	85342246		BLUE STATE BOURBON	TSDR	LIVE
147	85693759		HENRY CLAY BOURBON	TSDR	LIVE
148	85666010		KING REX BOURBON	TSDR	LIVE
149	85736374		(B)URBAN	TSDR	LIVE
150	85377898		BOURBON STREET SPORTS BAR	TSDR	LIVE
151	85592339		TRAPPER'S CREEK BOURBON	TSDR	LIVE
152	85692417		ROYAL SPRING BOURBON	TSDR	LIVE
153	85061640	4280173	DIVINE BOURBON	TSDR	LIVE
154	85771057		OAKKES GATE BOURBON	TSDR	LIVE
155	85544721		COWBOY BOURBON	TSDR	LIVE
156	85553980		SIMPLY BOURBON	TSDR	LIVE
157	85553958		MY BOURBON	TSDR	LIVE
158	85681606		KENTUCKY FIELDS BOURBON	TSDR	LIVE
159	85619604	4264228	JUST ADD BOURBON	TSDR	LIVE
160	85515667	4255536	DRINK TEXAS BOURBON	TSDR	LIVE
161	85407480	4248485	BACKBONE BOURBON	TSDR	LIVE
162	85643571		BOURBON CAPITAL	TSDR	LIVE
163	85287172	4238466	BBQ JEANNE'S BOURBON STREET TASTE THE GO	TSDR	LIVE
164	85440205	4232605	BOURBON STREET CIRCUS	TSDR	LIVE
165	85649850		ANGEL'S SHARE BOURBON WHISKEY	TSDR	LIVE
166	85184829	4210702	THE DIRTY BOURBON DANCE HALL & SALOON	TSDR	LIVE
167	85370603	4189238	B	TSDR	LIVE
168	85355738	4182026	BOURBON	TSDR	LIVE
169	85364988	4178113	URBAN BOURBON	TSDR	LIVE
170	85336020	4145495	BOURBON BARREL FOODS	TSDR	LIVE
171	85181272	4132711	EVERY OUNCE A MAN'S BOURBON	TSDR	LIVE
172	85130322		MULLIGAN'S BOURBON	TSDR	LIVE
173	85055128	4116342	NEW ORLEANS BOURBON SOCIETY	TSDR	LIVE
174	85125615	3957557	BABY BOURBON	TSDR	LIVE
175	85337430	4083751	THE BOURBON CHASE	TSDR	LIVE
176	85263113		CHARLES MEDLEY BOURBON	TSDR	LIVE
177	85263121		MEDLEY BOURBON	TSDR	LIVE
178	85249810	4068642	JIM BEAM BEAM FORMULA B A STANDARD SINCE 1795 DEVIL'S CUT 90 PROOF KENTUCKY STRAIGHT BOURBON WHISKEY	TSDR	LIVE
179	85172630	4040875	BOURBON MALL FRIED HOT TAMALES	TSDR	LIVE
180	85179932	3978205	KENTUCKY BOURBON	TSDR	LIVE
181	85020930	3963402	EARLY TIMES 354 BOURBON	TSDR	LIVE
182	85112061	3947732	BOURBON STREET BAD	TSDR	LIVE
183	78517423	3499078	BOURBON	TSDR	LIVE
184	78680924	3147029	LAST OF THE GREAT BOURBONS	TSDR	LIVE
185	78723186	3141774	BOURBON HERITAGE COLLECTION	TSDR	LIVE
186	78970746	3497309	BEAST OF BOURBON	TSDR	LIVE
187	78554234	3050622	1ST AMERICA'S FIRST BOTTLED BOURBON OLD FORESTER KENTUCKY STRAIGHT BOURBON WHISKY ESTABLISHED 1870	TSDR	LIVE

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188	78969008	3474128	BOURBON COUNTRY	TSDR	LIVE
189	78962008	3486547	BOURBON & CANAL	TSDR	LIVE
190	78948066	3505374	JEFFERSON'S RESERVE VERY OLD KENTUCKY STRAIGHT BOURBON WHISKY VERY SMALL BATCH	TSDR	LIVE
191	78675965	3412860	BOURBON ST BUCKS	TSDR	LIVE
192	78221556	2805034	BIRTHDAY BOURBON	TSDR	LIVE
193	78233721	3088275	WLD TURKEY BOURBON 101	TSDR	LIVE
194	78233720	3006403	WLD TURKEY BOURBON	TSDR	LIVE
195	78057467	2659462	BOURBON STREET BLUES COMPANY	TSDR	LIVE
196	78320170	3113627	1ST AMERICA'S FIRST BOTTLED BOURBON OLD FORESTER KENTUCKY STRAIGHT BOURBON WHISKY ESTABLISHED 1870	TSDR	LIVE
197	78472619	3075812	BULLEIT BOURBON FRONTIER WHISKEY	TSDR	LIVE
198	78472621	3301661	BULLEIT BOURBON	TSDR	LIVE
199	78333723	2929882	BOURBON HERITAGE CENTER	TSDR	LIVE
200	78217375	2877170	AMERICA'S FIRST BOTTLED BOURBON	TSDR	LIVE
201	77981154	3932986	URBAN BOURBON TRAIL	TSDR	LIVE
202	77649426	4225929	KENTUCKY BOURBON TRAIL	TSDR	LIVE
203	77588323	4009816	ROD & RIFLE BOURBON	TSDR	LIVE
204	77872313	3855908	BOURBON STREET	TSDR	LIVE
205	77863493	3843049	SMOOTH BOURBON. PRICED RIGHT.	TSDR	LIVE
206	77775561	3923804	NO BULL JUST BOURBON	TSDR	LIVE
207	77757593	3777124	WLL RUN FOR BOURBON	TSDR	LIVE
208	77757570	3786937	THE BOURBON CHASE	TSDR	LIVE
209	77733678	3733760	BOURBONNAIS STATE OF ILINOIS VILLAGE OF FRIENDSHIP 1875	TSDR	LIVE
210	77535730	3830032	KENTUCKY BOURBON BARREL ALE	TSDR	LIVE
211	77528457	3781968	BOURBON ROCKS	TSDR	LIVE
212	77042066	3411333	HUDSON BABY BOURBON	TSDR	LIVE
213	77498086	4173080	JUST ADD BOURBON	TSDR	LIVE
214	77410475	3624219	777 BOURBON STREET	TSDR	LIVE
215	77142836	3740358	BOURBON	TSDR	LIVE
216	77498087	4109085	BOURBON COUNTRY	TSDR	LIVE
217	77147563	3497762	BOURBONCRAFT	TSDR	LIVE
218	77436202	3688106	B BOURBON STEAK	TSDR	LIVE
219	77436195	3574280	BOURBON STEAK	TSDR	LIVE
220	77473652	3710981	KENTUCKY BOURBON TRAIL	TSDR	LIVE
221	77472229	3556715	KENTUCKY BOURBON TRAIL	TSDR	LIVE
222	77470390	3556684	KENTUCKY BOURBON TRAIL	TSDR	LIVE
223	77470470	3790736	GARRISON BROTHERS TEXAS BOURBON	TSDR	LIVE
224	77465289	3571795	BOURBON STREET BLUES FEST	TSDR	LIVE
225	77445373	3590247	BOURBON BOARDS	TSDR	LIVE
226	77433429	3712802	BOURBONS 72	TSDR	LIVE
227	77431895	3732113	BOURBONS 72	TSDR	LIVE
228	77405564	3526934	BOURBON STREET BEEF JERKY	TSDR	LIVE
229	77403164	3555573	BOURBON COUNTY BEEF JERKY	TSDR	LIVE
230	77380153	3656507	THE BOURBON ROOM	TSDR	LIVE
231	77366257	3584938	BERKSHIRE BOURBON	TSDR	LIVE

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232	77311006	3651953	PADDLEFORD CREEK BOURBON	TSDR	LIVE
233	77242098	3655285	BOURBON LOVERS' BOURBON	TSDR	LIVE
234	77116923	3343003	AUNT SALLY'S BOURBON STREET GLAZE NEW ORLEANS	TSDR	LIVE
235	77057888	3477274	BOURBON COUNTRY	TSDR	LIVE
236	76152137	2756755	OLD WHISKEY RIVER KENTUCKY STRAIGHT BOURBON WHISKEY	TSDR	LIVE
237	76701784	3836452	KENTUCKY BOURBON HALL OF FAME	TSDR	LIVE
238	76695778	3641368	BOURBON FEST	TSDR	LIVE
239	76695724	3671347	KENTUCKY BOURBON FESTIVAL	TSDR	LIVE
240	76674235	3552403	BOURBON FESTIVAL	TSDR	LIVE
241	76673685	3589475	BOURBON CAPITAL OF THE WORLD	TSDR	LIVE
242	76432626	2783000	BOURBON CAPITAL OF THE WORLD	TSDR	LIVE
243	76431677	2782994	KENTUCKY BOURBON FESTIVAL	TSDR	LIVE
244	76305663	2762951	KENTUCKY BOURBON HALL OF FAME	TSDR	LIVE
245	76294297	2774553	BOURBON CAPITAL OF THE WORLD	TSDR	LIVE
246	76294295	2777260	BOURBON CAPITAL OF THE WORLD	TSDR	LIVE
247	76702810	4099204	CASINO BOURBON	TSDR	LIVE
248	76241707	2696440	BOURBON HOUSE	TSDR	LIVE
249	76187729	2566334	THE ORIGINAL WHEATED BOURBON	TSDR	LIVE
250	76606680	3190460	DICKIE BRENNAN'S BOURBON HOUSE SEAFOOD	TSDR	LIVE
251	76606650	3052493	DICKIE BRENNAN'S BOURBON HOUSE	TSDR	LIVE
252	76581920	3005484	BOURBON COUNTY STOUT	TSDR	LIVE
253	76311725	2584119	KENTUCKY BOURBON TRAIL	TSDR	LIVE
254	76667592	3908216	BOURBON COUNTRY	TSDR	LIVE
255	76667591	3925748	BOURBON COUNTRY	TSDR	LIVE
256	76573792	2950674	KENTUCKY BOURBON	TSDR	LIVE
257	76440559	2809224	BENJAMIN PRICHARD'S DOUBLE BARRELED BOURBON	TSDR	LIVE
258	76238273	2694734	THE BOURBON STREET	TSDR	LIVE
259	75799360	2551594	BOURBON COUNTRY	TSDR	LIVE
260	75792630	2372848	BOURBON COUNTRY	TSDR	LIVE
261	75446639		IPANEMA BOURBON	TSDR	LIVE
262	75446640	3367409	IPANEMA BOURBON	TSDR	LIVE
263	75381118	2992708	BOURBON	TSDR	LIVE
264	75416080	2228204	BARDSTOWN BOURBON SOCIETY	TSDR	LIVE
265	75381108	2814396	BOURBON	TSDR	LIVE
266	75377491	2254414	BULLEIT BOURBON FRONTIER WHISKEY	TSDR	LIVE
267	75180532	2156225	KNOB CREEK KENTUCKY STRAIGHT BOURBON WHISKEY HAND-BOTTLED IN LIMITED QUANTITY FOR SUPERIOR TASTE & SMOOTHNESS	TSDR	LIVE
268	74258981	1775413	VINTAGE BOURBON	TSDR	LIVE
269	74206224	1708498	BOURBON Q	TSDR	LIVE
270	74148680	1716791	DUKE OF BOURBON	TSDR	LIVE
271	74010037	1657833	THE ORIGINAL SINGLE BARREL BOURBON WHISKEY	TSDR	LIVE
272	74676471	1974926	PRINCESSE MARINA DE BOURBON PARIS	TSDR	LIVE
273	74668932	1963387	BOURBON STREET GALLERY	TSDR	LIVE
274	74607353	1964786	THE SMALL BATCH BOURBON COLLECTION	TSDR	LIVE
275	74599398	2093759	SWEET BOURBON SALMON	TSDR	LIVE

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276	74413257	1874049	BOURBON ST. CHICKS	TSDR	LIVE
277	74411081	1952157	BLANTON SINGLE BARREL BOURBON	TSDR	LIVE
278	74299215	1798715	BOURBON STREET	TSDR	LIVE
279	74110746	1682191	BLANTON SINGLE BARREL BOURBON	TSDR	LIVE
280	73784802	1567455	VIRGIN BOURBON	TSDR	LIVE
281	73689937	1492496	BOURBON STREET BURGER	TSDR	LIVE
282	72241463	0830292	BOURBON ROYAL	TSDR	LIVE
283	72049731	0794550	BOURBON SUPREME	TSDR	LIVE
284	71491353	0422224	BOURBON FALLS	TSDR	LIVE
285	71430189	0380095	BOURBON DE LUXE	TSDR	LIVE

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<b>Greater Louisville Convention and Visitors Bureau</b>	)	<b>IN THE UNITED STATES</b>
	)	<b>PATENT AND TRADEMARK OFFICE</b>
	)	
<b>Opposer</b>	)	
	)	<b>TRADEMARK TRIAL AND APPEAL BOARD</b>
<b>v.</b>	)	
	)	
<b>The Wine Group LLC</b>	)	<b>APPL. NO. 85/736,374</b>
	)	
<b>Applicant</b>	)	<b>OPPOSITION NO. 91208855</b>
_____	)	

**OPPOSER'S FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS AND THINGS, NOS. 1 - 66**

Pursuant to Rule 2.120(d) of the U.S. Patent and Trademark Office's ("PTO") Trademark Rules of Practice, 37 C.F.R. § 2.120(d), and Rule 34 of the Federal Rules of Civil Procedure ("FRCP"), Greater Louisville Convention and Visitors Bureau (hereinafter referred to as "Louisville", "Opposer", or "Plaintiff") hereby requests that The Wine Group LLC (hereinafter referred to as "Wine Group", "Applicant", or "Defendant"), produce the following documents and things at Galbreath Law Offices, P.C., 2516 Chestnut Woods Ct., Reisterstown, MD 21136 within thirty (30) days of service hereof in accordance with Rule 2.120(a) of the PTO's Trademark Rules of Practice and FRCP 34. Applicant is requested to supplement its responses from time to time as appropriate in accordance with FRCP 26(e).

**DEFINITIONS**

A. The terms "Wine Group", "Applicant", or "Defendant" shall refer to The Wine Group LLC, and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on its behalf, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or

affiliate either within the United States or a foreign country.

B. The term "Louisville", "Opposer", or "Plaintiff" shall refer to Greater Louisville Convention and Visitors Bureau, and any present or former owner, officer, director, employee, servant, agent, attorney or other representative acting on its behalf, and shall include any parent corporation, or wholly-owned or partially-owned subsidiary, predecessor, successor, or affiliate either within the United States or a foreign country.

C. The term "you" shall mean the party or person to whom the Production Request is propounded, all agents, employees, servants, attorneys, and all other representatives, and persons over whom the person or party to whom the Production Request is propounded has the right to or does control or direct any activities.

D. The term "document" shall mean any tangible thing upon which information is or has been stored, recorded, or communicated, and any written, printed, typed and visually or aurally reproduced material of any kind, whether or not privileged, such as (by way of example and not by way of limitation) correspondence including email and other electronic correspondence, letters, notes, memoranda, diaries, invoices, purchase orders, records, minutes, interoffice communications, bills, contracts, agreements, orders, receipts, price lists, studies, drawings or sketches, tapes or discs capable of being mechanically read, films, pictures, catalogs, photographs, electronic mail, advertising or promotional literature, operating manuals or instructional materials, voice recording, cables or telegrams, maps, charts, surveys, test data, HTML code, website pages and reports; every copy of every such writing or record where the original is not in the possession, custody or control of Applicant, and every copy of every such writing or record where such copy is not identical copy of the original or where such copy contains any commentary that does not appear on the original.



E. The term "thing" shall mean all tangible objects of any type, composition, construction or nature.

F. The term "communication(s)" includes the disclosure, transfer or exchange of information by any means, written, verbal, electronic or otherwise.

G. The term "person" shall include both natural persons and corporate or other business entities, whether or not in the employ of Applicant, and the acts and knowledge of a person are defined to include the acts and knowledge of that person's directors, officers, members, employees, representatives, agents and attorneys.

H. The term "trademark" or "mark" includes trademarks, service marks, collective marks, certification marks and trade names as defined in 15 U.S.C. §1127.

I. The term "concerning" means relating to, referring to, describing, evidencing or constituting.

J. A document or thing "relating or referring" or which "relates" to any given subject means any document or thing that comprises, constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including, without limitation, documents concerning the preparation of other documents.

K. The term "all" or "each" shall be construed to include all and each.

L. The term "and" shall be construed to include "or" and *vice versa*, and shall be the logical equivalent of "and/or," as necessary in order to bring within the scope of the request all responses which might otherwise be construed to be outside its scope.

M. The use of the singular form of any word also includes the plural and *vice versa*.

N. The phrases "use in commerce," "use in United States commerce," "used in

commerce" and "used in United States commerce", or similar phrases, shall mean and refer to the definition provided under 15 U.S.C. §1127.

O. The term "Applicant's Mark" shall mean the mark depicted in Application No. 85/736,374.

P. The term "Opposer's Mark" or "Opposer's Marks" shall mean the marks as alleged by Opposer in this opposition.

**GENERAL INSTRUCTIONS**

1. If you claim that any document requested is privileged, please provide all information falling within the scope of the Request for Production which is not privileged, and identify with sufficient particularity for purposes of a Motion to Compel each item, document or thing, separately, with respect to which you claim a privilege, and state:

- a. the basis on which the privilege is claimed;
- b. the author of the document, if applicable;
- c. each individual or other person to whom the document or copy thereof was sent or otherwise disclosed;
- d. the date of the document;
- e. the type of document (e.g., letter, memorandum, etc.); and;
- f. the general subject matter of the document.

You are not requested to provide privileged information or information for which you claim privilege, but only to identify such information, document or thing.

2. If any document which you would have produced in response to any Request was, but is no longer, in your present possession or subject to your control or is no longer

in existence, please state whether any such document is:

- a. missing or lost;
  - b. destroyed;
  - c. transferred to others; and
  - d. otherwise disposed of, and in such instance, set forth the surrounding circumstances and any authorization of such disposition and state the approximate date of any such disposition, and the present location and custodian of such document.
3. Applicant's responses to the following Requests for Production are to be promptly supplemented to include subsequently acquired information in accordance with the requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

**REQUEST FOR PRODUCTION NO. 1:**

All documents and things identified in response to Opposer's Interrogatories.

**REQUEST FOR PRODUCTION NO. 2:**

All documents and things consulted in preparing responses to Opposer's Interrogatories.

**REQUEST FOR PRODUCTION NO. 3:**

All documents and things referring or relating to Applicant's selection, adoption, development, or creation of Applicant's Mark, including, but not limited to, invoices,

advertisements in any media, promotional materials in any media, brochures, catalogs, labels, tags, packaging, containers, point-of-sale displays, or websites, produced by or on behalf of Applicant.

**REQUEST FOR PRODUCTION NO. 4:**

All documents and things referring or relating to any variations of Applicant's Mark and/or the goods and/or services with which such variations were used or with which Applicant plans to use Applicant's Mark, including, but not limited to, invoices, advertisements in any media, promotional materials including email advertisements and promotions, catalogs, brochures, tags, labels, packaging, containers, point of sale displays, or websites, produced by or on behalf of Applicant.

**REQUEST FOR PRODUCTION NO. 5:**

All documents and things referring or relating to Applicant's current use in United States commerce of Applicant's Mark, including, but not limited to, invoices, advertisements in any media, promotional materials including email advertisements and promotions, catalogs, brochures, tags, labels, packaging, containers, point of sale displays, or websites, produced by or on behalf of Applicant.

**REQUEST FOR PRODUCTION NO. 6:**

All documents and things sufficient to identify each person who participated in the adoption, development, creation, or selection of Applicant's Mark, or any variation

thereof.

**REQUEST FOR PRODUCTION NO. 7:**

All documents and things sufficient to identify each mark considered by Applicant to be a variation of Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 8:**

All documents and things referring or relating to Applicant's past use, current use, or plans for future use of Applicant's Mark in connection with all goods and/or services with which Applicant's Mark is used.

**REQUEST FOR PRODUCTION NO. 9:**

All documents and things concerning any search, business, legal or other opinions regarding any mark containing the design shown in Applicant's mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 10:**

All documents and things concerning any inquiry or investigation made by or on behalf of Applicant with respect to any mark cited by any trademark search related to Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 11:**

All documents and things concerning any opinion regarding Applicant's right to use Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 12:**

All documents and things sufficient to identify all goods and/or services Applicant offers or intends to offer under Applicant's Mark, or any variation thereof, including:

- a) The nature and intended use of the products and/or services;
- b) The projected date and nature of the first use of Applicant's Mark, or any variation thereof, for each of the products and/or services;
- c) The projected date and nature of the first use of Applicant's Mark, or any variation thereof, in U.S. commerce;
- d) The present stage of development of each product and/or service;
- e) The steps that have been taken toward the exploitation of Applicant's Mark, or any variation thereof, in connection with each product and/or service; and
- f) Applicant's intent to use Applicant's Mark, or any variation thereof, in connection with each product and/or service.

**REQUEST FOR PRODUCTION NO. 13:**

All documents and things sufficient to identify the period or periods of use of Applicant's Mark, or any variation thereof, since the date of first use of Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 14:**

Representative samples of invoices, purchase orders, sales reports, shipping orders, inventory reports, and other records concerning any sales or offerings of goods and/or services to any person or entity under Applicant's Mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 15:**

All documents and things, including financial, accounting and corporate records concerning:

- a) your total income from the sale or license of goods and/or services sold under Applicant's Mark annually by good or service per calendar year, from first use of Applicant's Mark for each such good or service to the present; and
- b) your projected income from the sale or license of goods and/or services sold under Applicant's Mark annually by good or service per calendar year.

**REQUEST FOR PRODUCTION NO. 16:**

All documents and things, including financial, accounting and corporate records concerning:

- a) the total amount spent on promoting and advertising Applicant's Mark; and
- b) the projected total amount that will be spent on promoting and advertising Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 17:**

All documents and things sufficient to establish the date of first use in commerce of Applicant's Mark, or any variation thereof, in connection with each good and/or service rendered under Applicant's Mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 18:**

All documents and thing sufficient to show how Applicant uses or intends to use Applicant 's Mark, or any variation thereof, including, but not limited to, advertising and advertising mockups and proposals, promotional materials including emails and websites, catalogs, forms, letterhead, membership materials, purchase orders, press and/or media kits, point-of-purchase displays, and promotional goods.

**REQUEST FOR PRODUCTION NO. 19:**

All documents and things sufficient to identify each channel of trade or distribution through which Applicant markets or intends to market its goods and/or services under Applicant's Mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 20:**

All documents and things sufficient to identify each type of media or publication through which Applicant advertises and promotes or intends to advertise and promote goods and/or services under Applicant's Mark, or any variation thereof.



**REQUEST FOR PRODUCTION NO. 21:**

All documents and things sufficient to identify each type of sponsorship through which Applicant advertises and promotes or intends to advertise and promote goods and/or services under Applicant's Mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 22:**

All documents and things relating or referring to, or tending to show, the amount of money spent by any authorized user of Applicant's Mark for promotional activities or advertisements for Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 23:**

All documents and things relating to, referring to or showing market research conducted by Applicant in connection with Applicant's Mark, including, but not limited to, surveys or statistics showing Applicant's target audience of consumers.

**REQUEST FOR PRODUCTION NO. 24:**

All documents and things concerning, relating or referring to Opposer or Opposer's Marks.

**REQUEST FOR PRODUCTION NO. 25:**

All documents and things concerning business plans, including, but not limited to, marketing plans, advertising plans and business forecasts, for Applicant's goods and/or services used in connection with Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 26:**

All documents and things concerning any efforts to enforce the rights in Applicant's Mark against any third person(s) or third party(ies).

**REQUEST FOR PRODUCTION NO. 27:**

All documents and things relating or referring to or showing ownership of any claimed predecessor-in-title to Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 28:**

All documents and things referring or relating to any attempts by Applicant to register Applicant's Mark, or any variation thereof, under the laws of any state or before the U.S. Patent and Trademark Office.

**REQUEST FOR PRODUCTION NO. 29:**

All documents and things that refer or relate to any plans by Applicant to expand use of Applicant's Mark, or any variation thereof, or sales or distribution of the goods and/or services, including, but not limited to, expansion of marketing lines, channels of

distribution, the number of products or services in connection with which Applicant's Mark is used, the customer base or geographical areas served.

**REQUEST FOR PRODUCTION NO. 30:**

All documents and things relating or referring to, or showing how Applicant's Mark has been and is being advertised or promoted since the date of its initial adoption to the present, including but not limited to, internal memorandums, brochures, flyers, newspaper articles, advertisements (both print and electronic versions), websites, billboards, pamphlets, magazine or trade journal articles, and radio or television advertisements.

**REQUEST FOR PRODUCTION NO. 31:**

All documents and things referring or relating to, or tending to show, any current or anticipated advertisements or promotions of goods and/or services in connection with Applicant's Mark, including but not limited to, internal memorandums, brochures, flyers, newspaper articles, advertisements (both print and electronic versions), websites, billboards, pamphlets, magazine or trade journal articles, and radio or television advertisements.

**REQUEST FOR PRODUCTION NO. 32:**

A sample of each product and/or service provided under Applicant's Mark since its initial adoption.

**REQUEST FOR PRODUCTION NO. 33:**

All documents and things sufficient to identify each trade and/or professional association through which Applicant promotes or intends to promote its goods and/or services under Applicant's Mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 34:**

All documents and things referring or relating to any trade shows attended by, or proposed to be attended by, Applicant where goods and/or services provided under Applicant's Mark, or any variation thereof, were sold, advertised or promoted or are intended to be sold, advertised or promoted.

**REQUEST FOR PRODUCTION NO. 35:**

All documents and things sufficient to identify each class of persons, including, but not limited to, gender, age, ethnicity, and socioeconomic status, who purchase Applicant's goods and/or services under Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 36:**

All documents sufficient to identify each public relations firm, advertising agency, and marketing firm that has been engaged to advertise or promote Applicant's Mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 37:**

All communications between Applicant and any public relations firm, advertising agency, and marketing firm that has been engaged to advertise or promote Applicant's goods and/or services under Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 38:**

Each press release issued by or on behalf of Applicant which refers to Applicant's Mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 39:**

Each unsolicited press mention, article, release or other story relating to Applicant's Mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 40:**

All advertisements in any magazine, newspaper or other printed publication, relating to Applicant's Mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 41:**

All documents and things sufficient to identify each retail store or other channel by which Applicant 's goods and/or services under Applicant's Mark are provided.

**REQUEST FOR PRODUCTION NO. 42:**

All documents and things sufficient to identify the specific geographic area(s) within which Applicant has provided goods and/or services under Applicant's Mark, or any variation thereof, over the time period in which Applicant's Mark has been used.

**REQUEST FOR PRODUCTION NO. 43:**

All documents and things sufficient to identify the specific geographic areas within which Applicant has promoted goods and/or services under Applicant's Mark, or any variation thereof, over the time period in which Applicant's Mark have been used.

**REQUEST FOR PRODUCTION NO. 44:**

All documents and things concerning the marketing, advertisement, promotion and/or sale of Applicant's goods and/or services under Applicant's Mark, including, but not limited to, subscription lists, or other materials identifying actual or prospective clients and customers in the United States.

**REQUEST FOR PRODUCTION NO. 45:**

All documents sufficient to identify the approximate annual sales in both units and dollars of all goods and/or services offered in connection with Applicant's Mark, or any variation thereof, annually by calendar year, from Applicant's first use of Applicant's Mark until

present.

**REQUEST FOR PRODUCTION NO. 46:**

All documents and things relating or referring to any discontinuation of use of Applicant's Mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 47:**

All documents and things concerning, referring, or relating to Applicant's first awareness of Opposer's Marks.

**REQUEST FOR PRODUCTION NO. 48:**

All documents and things which refer or relate to Opposer, Opposer's Marks, or to any good and/or service of Opposer, including but not limited to, Opposer's Goods and Opposer's Services.

**REQUEST FOR PRODUCTION NO. 49:**

All documents and things evidencing, referring or relating to third party use of Applicant's Mark, or any variation thereof, including, but not limited to, authorizations, assignments, licenses agreements, including but not limited to, manufacturing agreements, whether in draft form or executed.

**REQUEST FOR PRODUCTION NO. 50:**

All documents and things evidencing, referring or relating to the sale of each and every good and/or service in connection with Applicant's Mark by Applicant, or a related company or licensee.

**REQUEST FOR PRODUCTION NO. 51:**

Documents and things sufficient to identify the approximate dollar amount expended annually by calendar year in the United States by Applicant in advertising the goods and/or services provided under Applicant's Mark since initial adoption of Applicant's Mark to the present.

**REQUEST FOR PRODUCTION NO. 52:**

A copy of each market survey and other research documents, including, but not limited to surveys, polls, tests, focus group studies Applicant has conducted, has commissioned, or plans to conduct concerning:

- a) Applicant 's goods and/or services rendered under Applicant's Mark, or any variation thereof;
- b) Applicant's Mark, or any variation thereof, as perceived by purchasers and potential purchasers;
- c) confusion between Applicant's Mark, or any variation thereof, and the mark or name of any other entity; or



- d) possible use in this opposition proceeding.

**REQUEST FOR PRODUCTION NO. 53:**

All unsolicited communications to Applicant that refer to Opposer's Marks, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 54:**

All documents and things concerning any inquiry or investigation made by, or on behalf of, Applicant with respect to Opposer's Marks.

**REQUEST FOR PRODUCTION NO. 55:**

All documents and things which evidence, refer, or relate to any confusion, or the likelihood or possibility of confusion, between Applicant and Opposer, or between the goods and services offered, sold, or distributed by Opposer or Applicant, including, but not limited to consumer statements, misdirected mail and inquiries as to affiliation.

**REQUEST FOR PRODUCTION NO. 56:**

All documents and things concerning any complaint or statement by any person about the quality of Applicant's goods and/or services offered under Applicant's Mark.

**REQUEST FOR PRODUCTION NO. 57:**

All communications intended for Opposer that were received by Applicant.

**REQUEST FOR PRODUCTION NO. 58:**

All documents and things referring to, relating to, or tending to show a disclaimer made by Applicant as to an association with Opposer.

**REQUEST FOR PRODUCTION NO. 59**

All documents and things referring or relating to any adversarial proceeding, excluding the present proceeding, involving Applicant's Mark, or any variation thereof, before the Trademark Trial and Appeal Board in the United States Patent and Trademark Office, the United States Bureau of Customs, the United States Federal Trade Commission, or any other court or government agency in the United States.

**REQUEST FOR PRODUCTION NO. 60:**

All documents and things referring or relating to any objection raised, other than by Opposer, to Applicant 's use or registration of Applicant's Mark, or any variation thereof, by any third party.

**REQUEST FOR PRODUCTION NO. 61:**

All documents and things referring or relating to any objections made by Applicant to the use by another of mark(s) believed by Applicant to be confusingly similar to Applicant's

Mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 62:**

All documents and things which support or tend to support Applicant's contentions and allegations in its Answer, Affirmative Defenses & Petition for Cancellation filed in this opposition, including but not limited to, all documents and things that support or tend to support each Affirmative Defense therein and each contention in any Counterclaim therein.

**REQUEST FOR PRODUCTION NO. 63:**

For each expert whose opinion Applicant may rely upon in this proceeding, each document concerning:

- a) any opinions that may be presented in the opposition;
- b) the reason for such opinions;
- c) any data or information considered by the witness in forming the opinions;
- d) any exhibits used in support of or summarizing the opinions; and
- e) the compensation being paid to the witness.

**REQUEST FOR PRODUCTION NO. 64:**

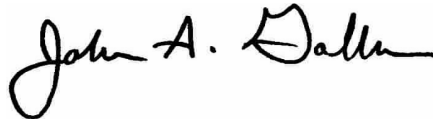
All documents and things bearing Applicant's Mark, or any variation thereof.

**REQUEST FOR PRODUCTION NO. 65:**

All documents and things referring or relating to Applicant's first knowledge of Opposer or Opposer's Marks.

**REQUEST FOR PRODUCTION NO. 66:**

All documents and things referring or relating to Applicant's knowledge of any third party use of trade names, trademarks or service marks for or containing the design shown in Applicant's mark, or any variation thereof.



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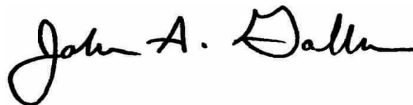
John A. Galbreath

Galbreath Law Offices, P.C.  
2516 Chestnut Woods Ct.  
Reisterstown, MD 21136-5523  
TEL: 410-628-7770  
FAX: 410-666-7274  
EMAIL: jgalbreath@galbreath-law.com

Attorneys for Plaintiff/Opposer

Certificate of Service: I certify that on the date below, the foregoing Requests for Production and referenced attachments, if any, were sent by first-class mail to:

PAUL W. REIDL  
LAW OFFICE OF PAUL W. REIDL  
241 EAGLE TRACE DRIVE, SECOND FLOOR  
HALF MOON BAY, CA 94019

A handwritten signature in black ink, reading "John A. Galbreath". The signature is written in a cursive style with a large initial "J" and a stylized "G".

13 June 2013

John A. Galbreath

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FIRST DOC	PREV DOC	NEXT DOC	LAST DOC							

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TSDR	ASSIGN Status	TTAB Status
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 ( Use the "Back" button of the Internet Browser to return to TESS)**URBAN BOURBON TRAIL**

<b>Word Mark</b>	<b>URBAN BOURBON TRAIL</b>
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky. FIRST USE: 20080530. FIRST USE IN COMMERCE: 20080530
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77981154
<b>Filing Date</b>	May 29, 2009
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Date Amended to Current Register</b>	December 2, 2010
<b>Registration Number</b>	3932986
<b>Registration Date</b>	March 15, 2011
<b>Owner</b>	(REGISTRANT) Greater Louisville Convention & Visitors Bureau independent commission established by kentucky statute. KENTUCKY 401 W. Main St. Suite 2300 Louisville KENTUCKY 40202  (LAST LISTED OWNER) KENTUCKY DISTILLERS' ASSOCIATION CORPORATION KENTUCKY 612-A SHELBY STREET FRANKFORT KENTUCKY 40601
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Amy Sullivan Cahill
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOURBON" IN CONNECTION WITH THE CLASS 21 GOODS APART FROM THE MARK AS SHOWN

# EXHIBIT 14, p. 2

Type of Mark      SERVICE MARK  
 Register          SUPPLEMENTAL  
 Live/Dead Indicator    LIVE

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TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST
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TESS was last updated on Sun Aug 4 03:10:49 EDT 2013

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST	NEXT LIST
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TSDR	ASSIGN Status	TTAB Status
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 ( Use the "Back" button of the Internet Browser to return to TESS)

# (B)URBAN

Word Mark	(B)URBAN
Goods and Services	IC 033. US 047 049. G & S: Bourbon
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85736374
Filing Date	September 24, 2012
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	December 25, 2012
Owner	(APPLICANT) THE WINE GROUP LLC LIMITED LIABILITY COMPANY DELAWARE 4596 S. TRACY BLVD. TRACY CALIFORNIA 95377
Assignment Recorded	ASSIGNMENT RECORDED
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	Top	HELP	PREV LIST	CURR LIST	NEXT LIST
FIRST DOC	PREV DOC	NEXT DOC	LAST DOC							





PAUL W. REIDL  
ATTORNEY AT LAW

July 14, 2013

John L. Galbreath  
Galbreath Law Offices PC  
2516 Chestnut Woods Ct.  
Reisterstown, MD 21136-5523

**VIA E-MAIL**

**Re: Opposition No. 9120885**

Dear Mr. Galbreath:

This letter responds to your letter of July 12, 2013, in which you responded to my second meet and confer letter dated July 8, 2013.

The Board requires you to meet and confer in good faith. You are not acting in good faith by again asserting, without elaboration, that you are right and I am wrong. Those kinds of schoolyard responses have no place in Board proceedings. While I doubt that you have a sound legal basis for your positions, the TBMP, the *Amazon Technologies* case and others are unequivocal: it is improper for you to decline to justify your positions. You are required to communicate your arguments to me **before** my client invests in a motion. That is the whole point of the meet and confer process.

As for the production of documents, your demand that I must come to Louisville to look at a "list" or a "sample" of documents has no basis in Rule 34, is economically irrational and not made in good faith. Since you have presumably already complied with the Board's rules and gathered the responsive documents, it is a simple matter for you to number, copy and produce them. Your refusal to do so is improper. When coupled with your refusal even to tell me whether your client has any documents responsive to any request, and your insistence that even after I view the list or sample you will still insist on a further meet and confer over what you will produce, it would be unreasonable for me to come to Louisville to do ..... exactly what? Look at a list? Look at a "sample" document? That is not the way Rule 34 works and I think the Board will agree.

Your own instructions for producing documents in response to your document requests require me to produce them at your offices. Based on the holding in *Amazon Technologies* you are estopped from requiring me to do something different than what you have asked of me. In the event I am wrong, however, I am holding on to TWG's documents until the Board decides the motion. If I must come to Louisville, then you must come to Northern California.

Your refusal to participate in good faith in the meet and confer process leaves me no choice but to file the enclosed motion to compel.

Yours sincerely,

A handwritten signature in black ink, reading "Paul W. Reidl". The signature is written in a cursive, flowing style with a large, prominent "P" and "R".

Paul W. Reidl

*Attorney for The Wine Group*



GALBREATH LAW OFFICES, P.C.

2516 Chestnut Woods Ct. Reisterstown, MD 21136-5523 U.S.A.  
Phone: 1-410-628-7770 Fax: 1-410-666-7274 Email: [info@galbreath-law.com](mailto:info@galbreath-law.com)  
Web: [www.galbreath-law.com](http://www.galbreath-law.com)

July 26, 2013

**BY EMAIL AND REGULAR MAIL**

PAUL W. REIDL  
LAW OFFICE OF PAUL W. REIDL  
241 EAGLE TRACE DR., 2nd FLR.  
HALF MOON BAY, CA 94019

**Re: Louisville Convention & Visitors Bureau v. Wine Group – Opposition 9120885**

Dear Paul,

Thank you for your letter of July 14, 2013, which states that you will retain Wine Group's documents where they are located. It is your right under the rules to permit inspection and copying of documents and things where they are located in the ordinary course of business, and we are fine with that.

Accordingly, we propose inspecting and copying Wine Group's documents and things on August 29-30, 2013. Please ensure that the documents and things will be available on those dates. We assume that the documents and things are located at Wine Group as set forth in your Initial Disclosures, but please confirm this.

We wish you a good weekend.

Best regards,

John Galbreath

John Galbreath

**From:** Southwest Airlines [SouthwestAirlines@luv.southwest.com]  
**Sent:** Monday, July 29, 2013 10:52 AM  
**To:** JGALBREATH@VERIZON.NET  
**Subject:** Southwest Airlines Confirmation-GALBREATH/JOHN-Confirmation: AAQ50L

You're all set for your trip!


[My Account](#) | [View My Itinerary Online](#)
[Check In Online](#)
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[Car Deals](#)

## Ready for takeoff!



Thanks for choosing Southwest for your trip! You'll find everything you need to know about your reservation below. Happy travels!



AIR Itinerary

**AIR Confirmation: AAQ50L**

Confirmation Date: 07/29/2013

Passenger(s)	Rapid Rewards #	Ticket #	Expiration	Est. Points Earned
GALBREATH/JOHN	- None Entered -	5262147403072	Jul 29, 2014	834

Rapid Rewards points earned are only estimates. Not a member - visit <http://www.southwest.com/rapidrewards> and sign up today!

Date	Flight	Departure/Arrival
Wed Aug 28	133	Depart <b>BALTIMORE WASHNTN (BWI)</b> on Southwest Airlines at <b>3:05 PM</b> Arrive in <b>ATLANTA GA (ATL)</b> at <b>5:00 PM</b> <u>Wanna Get Away</u>
	562	Change planes to Southwest Airlines in <b>ATLANTA GA (ATL)</b> at <b>5:40 PM</b> Arrive in <b>SAN FRANCISCO CA (SFO)</b> at <b>7:55 PM</b> Travel Time 7 hrs 50 mins <u>Wanna Get Away</u>

### What you need to know to travel:

- Don't forget to check in for your flight(s) 24 hours before your trip on southwest.com or your mobile device. This will secure your boarding position on your flights.
- Southwest Airlines does not have assigned seats, so you can choose your seat when you board the plane. You will be assigned a boarding position based on your checkin time. The earlier you check in, within 24 hours of your flight, the earlier you get to board.

Carry-on Items: 1 Bag + small personal item are free see full details. Checked Items: First and second bags are free, size and weight limits apply.

Fare Rule(s): 5262147403072: NONREF/NONTRANSFERABLE/STANDBY REQ UPGRADE TO Y.

Valid only on Southwest Airlines. All travel involving funds from this Confirmation Number must

Save up to 30%

Plus earn up to 2,400  
Rapid Rewards® points.

Let's go!



**Budget®**

**EARLYBIRD  
CHECK-IN™**

Let us take  
care of  
Check-in  
for you

ONLY  
**\$12.50**  
ONE WAY

**Get It Now**



### Find a Hotel

See ratings, photos and  
rates for over 40,000 hotels.

**Book a Hotel** ✦



### Rent Some Wheels

Explore your destination on  
the perfect set of wheels.

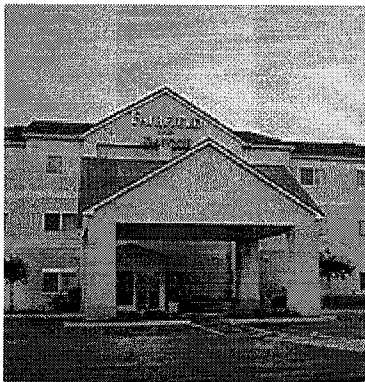
John Galbreath

**From:** 'Fairfield Inn By Marriott Reservation' [reservations@fairfieldinn.com]  
**Sent:** Monday, July 29, 2013 10:30 AM  
**To:** JGALBREATH@GALBREATH-LAW.COM  
**Subject:** Fairfield Inn Tracy Reservation Confirmation #88713114



Fairfield Inn Tracy

2410 Naglee Road,  
Tracy, California 95376 USA  
Phone: 1-209-833-0135 Fax: 1-209-835-5065



### Reservation for John Galbreath

**Confirmation Number: 88713114**  
**Check-in:** Wednesday, August 28, 2013 (03:00 PM)  
**Check-out:** Friday, August 30, 2013 (12:00 PM)

[Modify or Cancel reservation](#)



[View hotel website](#)



[Maps & Transportation](#)

## Reservation Confirmation

Dear John Galbreath,

We are pleased to confirm your reservation with Fairfield Inn by Marriott. Below is a summary of your booking and room information. Enjoy your stay at Fairfield Inn -- warm, welcoming, affordable. Whenever you travel, keep us in mind because it's always a great day at Fairfield Inn.

Fairfield Inn Tracy

### Have you been Rewarded?

As a Marriott Rewards member, you could earn **2120** points for this stay. Enroll today to begin earning rewards, and you may also qualify for bonus points. Join Marriott Rewards

### Planning Your Trip

See what's happening in San Jose during your stay  
Check out some of San Jose's top attractions

Book with Hertz: Save up to 35% and Earn 500 Rewards Points  
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**BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**TRADEMARK TRIAL AND APPEAL BOARD**

Application Serial No. 85/736,374

Mark: (B)URBAN

Class: 33

**GREATER LOUISVILLE  
CONVENTION & VISITORS  
BUREAU,**

Opposer/Respondent,

v.

**THE WINE GROUP, LLC,**

Applicant/Counterclaimant.

Opposition No. 91208855

**APPLICANT'S OBJECTIONS AND  
RESPONSES TO OPPOSER'S FIRST  
SET OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS**

Pursuant to Federal Rule of Civil Procedure 34 and the Board's Rules, Applicant and Counterclaimant The Wine Group ("TWG") hereby submits the following responses and objections to Opposer/Respondent's ("GLCVB'S") First Set of Requests for Production of Documents.

**PRELIMINARY STATEMENT**

1. TWG incorporates by reference each and every General Objection and Specific Objection set forth below into each and every specific response. From time to time a specific response may restate a General Objection or Specific Objection for emphasis or for some other reason. The failure to include any General Objection or Specific Objection in any specific response shall not constitute a waiver of any General Objection or Specific Objection to that request.

## EXHIBIT 20, p. 2

1           2.       No incidental or implied admissions are intended by the responses included  
2 herein. The fact that TWG has answered or objected to a request does not constitute an admission.  
3 The fact that TWG has answered part or all of a request is not intended to be, and shall not be  
4 construed to be, a waiver by TWG of any part of any objection to the request.

5           3.       These responses are made solely for the purpose of this action. TWG does not  
6 waive the right to object to the admissibility into evidence of any documents or information  
7 provided in response to the requests. TWG further does not waive the right to raise all questions  
8 of authenticity, relevancy, materiality and privilege for any purpose with regard to the  
9 documents or information provided in response to the requests, which may arise in any  
10 subsequent proceeding and/or the trial of this or any other action. Moreover, the assertion by  
11 TWG of various General Objections and Specific Objections is not a waiver of other objections  
12 that might be applicable or become so at some future time.

13           5.       The responses of TWG to the requests are based only on TWG's present  
14 knowledge.

15           6.       GLCVB's requests are overly broad, oppressive and not reasonably calculated to  
16 lead to the discovery of admissible evidence. They are comprehensive boilerplate requests for  
17 infringement litigation, the purpose of which is to determine the likelihood of confusion based on  
18 use of the mark. The present proceeding is, however, much narrower and is directed toward  
19 whether TWG has a right to register the mark for the goods specified in the application  
20 notwithstanding GLCVB's prior registrations of its marks for chamber of commerce services.  
21 This is a much different question, to be decided by applying the factors set forth in *E. I DuPont*  
22 *de Nemours & Co*, 476 F.2d 1357 (Fed. Cir. 1973)("DuPont"). Requests that do not seek  
23 information relevant to the *DuPont* inquiry, such as those requesting documents concerning  
24

## EXHIBIT 20, p. 3

1 “variations” of Applicant’s Mark and documents concerning use or potential use on other goods  
2 or services are improper and not made in good faith.

3 7. Many of the requests ask for documents concerning “use” of the mark. The  
4 application at issue is an Intent-to-Use application; no use is alleged and none has occurred.  
5 Thus, there are few documents responsive to the requests. GLCVB knows this and therefore has  
6 not propounded these requests in good faith.

### **GENERAL OBJECTIONS**

8 1. TWG objects to each Definition and request to the extent that it purports to  
9 impose any requirement or discovery obligation upon TWG other than as set forth in the Federal  
10 Rules of Civil Procedure as interpreted and applied by the Board..

11 2. TWG objects to each Definition and request seeking to discover information not  
12 relevant to any claim or defense and not reasonably calculated to lead to the discovery of  
13 admissible evidence.

14 3. TWG objects to each Definition and request that calls for information that is not  
15 within TWG’s possession, custody, or control, or that calls for TWG to prepare documents  
16 and/or things that do not exist.

17 4. TWG objects to each Definition and request to the extent that it seeks information  
18 protected by the attorney-client privilege, attorney work product immunity, or any other  
19 applicable restriction upon discovery. No documents will be provided that is subject to the  
20 attorney-client privilege and/or the work product immunity and/or any other applicable  
21 restriction upon discovery.

22 5. TWG objects to each Definition and request to the extent that it purports to  
23 impose upon TWG the burden of seeking documents theoretically located in offices throughout  
24



## EXHIBIT 20, p. 4

1 the world other than TWG's offices in California. TWG believes that any information or  
2 documents responsive to the requests located in offices other than its California offices should  
3 also be found in and duplicated by the information and documents located in its headquarters  
4 office. The burden on TWG of searching each of its non-California offices would be oppressive.

5 6. TWG further objects to each Definition and request to the extent that it purports to  
6 impose upon TWG the requirement that it provide information about its business activities in  
7 countries other than the United States. Such information is not reasonably likely to lead to the  
8 discovery of admissible evidence.

9 7. TWG objects to each Definition and request to the extent it seeks information or  
10 identification of documents already in GLCVB'S possession or available to GLCVB from public  
11 sources.

12 8. TWG objects to each request to the extent it is premature at this early stage of the  
13 proceeding.

14 9. TWG objects to each Definition and request to the extent it seeks discovery of  
15 information within the scope of Fed. R. Civ. P. 26 (b)(4), and therefore constitutes a premature  
16 attempt to conduct discovery of expert opinion under the Board's Scheduling Order.

17 10. TWG has interpreted the requests using the ordinary meanings of words. To the  
18 extent that any request purports to seek information other than as so interpreted, TWG objects on  
19 the ground that any such request is vague, ambiguous, and overbroad.

### **SPECIFIC OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

20  
21 1. TWG objects to the requirement that documents be produced thirty (30) days  
22 from the date of service as improper under the Board's Rules. TWG will produce responsive  
23 documents at the time required by the Board's Rules.

## EXHIBIT 20, p. 5

2. TWG objects to the requirement that these requests be supplemented as beyond the requirements of Federal Rule of Civil Procedure 26.

3. TWG objects to Definitions A, C and G as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

4. TWG objects to Definition D as overly broad and unduly burdensome.

5. TWG objects to General Instruction 2 as overly broad, unduly burdensome, and beyond the requirements of Rule 34 of the Federal Rules of Civil Procedure.

6. TWG objects to general Instruction 3 as beyond the requirements of Rule 26 (e) of the Federal Rules of Civil Procedure.

### **WRITTEN RESPONSES**

#### **REQUEST FOR PRODUCTION NO. 1:**

All documents and things identified in response to Opposer's Interrogatories.

#### **RESPONSE**

Subject to the Preliminary Statement, the General Objections and the Specific Objections, TWG responds as follows: there are no responsive documents.

#### **REQUEST FOR PRODUCTION NO. 2:**

All documents and things consulted in preparing responses to Opposer's Interrogatories.

#### **RESPONSE**

Subject to the Preliminary Statement, the General Objections and the Specific Objections, TWG responds as follows: there are no responsive documents.

#### **REQUEST FOR PRODUCTION NO. 3:**

All documents and things referring or relating to Applicant's selection, adoption, development, or creation of Applicant's Mark, including but not limited to, invoices,

## EXHIBIT 20, p. 6

1 advertisements in any media, promotional materials in any media, brochures, catalogs, labels,  
2 tags, packaging, containers, point-of-sale-displays, or websites, produced by or on behalf of  
3 Applicant.

### **RESPONSE**

4  
5 In addition to the Preliminary Statement, the General Objections and the Specific  
6 Objections, TWG objects to this request as vague and ambiguous because the qualifying phrase  
7 and the enumerated items thereafter have nothing to do with the subject matter of the original  
8 request. Subject to these objections, TWG states that responsive, non-privileged documents will  
9 be produced.

### **REQUEST FOR PRODUCTION NO. 4:**

11 All documents and things referring or relating to any variations of Applicant's Mark  
12 and/or the goods and/or services with which such variations were used or with which Applicant  
13 plans to use Applicant's mark, including but not limited to, invoices, advertisements in any  
14 media, promotional materials in any media, brochures, catalogs, labels, tags, packaging,  
15 containers, point-of-sale-displays, or websites, produced by or on behalf of Applicant.

### **RESPONSE**

17 In addition to the Preliminary Statement, the General Objections and the Specific  
18 Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of  
19 admissible evidence in this proceeding because the requested information is not relevant to any  
20 *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register,  
21 not the right to use. TWG further objects to the extent that request seeks documents concerning  
22 variations of Applicant's Mark as not reasonably calculated to lead to the discovery of  
23  
24

admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 5:**

All documents and things referring or relating to Applicant's current use in United States commerce of Applicant's Mark, including but not limited to, invoices, advertisements in any media, promotional materials in any media, brochures, catalogs, labels, tags, packaging, containers, point-of-sale-displays, or websites, produced by or on behalf of Applicant.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as overly broad and unduly burdensome, and improper under Rule 34, because it requests every document in the company concerning the use of Applicant's Mark. Subject to these objections, TWG response as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 6:**

All documents and things sufficient to identify each person who participated in the adoption, development, creation, or selection of Applicant's Mark, or any variation thereof.

**RESPONSE**

Subject to the Preliminary Statement, the General Objections and the Specific Objections, TWG responds as follows: there are no responsive documents.

**IREQUEST FOR PRODUCTION NO. 7:**

All documents and things sufficient to identify each mark considered by Applicant to be a variation of Applicant's Mark.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the extent that request seeks documents concerning variations of Applicant's Mark as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 8:**

All documents and things referring or relating to Applicant's past use, current use, or plans for future use of Applicant's Mark in connection with all goods and/or services with which Applicant's Mark is used.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as duplicative of request number 5. TWG further objects to the request to the extent it requests documents concerning other goods or services for which Applicant's Mark might be used as not reasonably calculated to lead to the discovery of evidence admissible on any of the *DuPont* factors; the only goods/services at issue are those specified in the application for Applicant's Mark. TWG further objects to this request as overly broad and unduly burdensome, and improper under Rule 34, because it literally requests every

## EXHIBIT 20, p. 9

document in the company concerning Applicant's Mark. Subject to these objections, TWG responds as follows: there are no responsive documents.

### **REQUEST FOR PRODUCTION NO. 9:**

All documents and things concerning any search, business, legal or other opinions regarding any mark containing the design shown in Applicant's Mark, or any variation thereof.

### **RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the extent that request seeks documents concerning variations of Applicant's Mark as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents; Applicant's Mark does not have a design component.

### **REQUEST FOR PRODUCTION NO. 10:**

All documents and things concerning any inquiry or investigation made by or on behalf of Applicant with respect to any mark cited by any trademark search related to Applicant's Mark.

### **RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any

*DuPont* factor. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 11:**

All documents and things concerning any opinion regarding Applicant's right to use Applicant's Mark.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it. TWG further objects because on its face the request expressly asks TWG to produce documents protected by the attorney work product and attorney-client privileges. Subject to these objections, TWG responds as follows: there are no responsive, non-privileged documents.

**REQUEST FOR PRODUCTION NO. 12:**

All documents and things sufficient to identify all goods and/or services Applicant offers or intend to offer under Applicant's Mark, or any variation thereof, including:

- 1) The nature and intended use of the products and/or services;
- 2) The projected dates and nature of the first use of Applicant's Mark, or any variation thereof, for each of the products or services;
- 3) The projected date and nature of the first use of Applicant's Mark, or any variation thereof, in U.S. commerce;
- 4) The present stage of development of each product and/or service;

3           6)       Applicant's intent to use Applicant's Mark, or any variation thereof, in connection  
4 with each product and/or service.

5	RESPONSE
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In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it. TWG further objects to the use of the term “variation” as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning use or potential use on other goods and/or services as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied for goods as specified in the application. Subject to these objections, TWG responds as follows: responsive, non-privileged documents will be produced.

16 **REQUEST FOR PRODUCTION NO. 13:**

17 All documents and things sufficient to identify the period or period of use of Applicant's  
18 Mark, or any variation thereof, since the date of first use of Applicant's Mark.

19 RESPONSE

20 In addition to the Preliminary Statement, the General Objections and the Specific  
21 Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of  
22 admissible evidence in this proceeding because the requested information is not relevant to any  
23 *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it.



1 TWG further objects to the use of the term “variation” as vague and ambiguous. TWG further  
2 objects to the extent that request seeks documents concerning use or potential use on other goods  
3 and/or services, or variations of Applicant’s Mark, as not reasonably calculated to lead to the  
4 discovery of admissible evidence because this proceeding is confined to the applied mark and  
5 goods as specified in the application. Subject to these objections, TWG responds as follows:  
6 there are no responsive documents.

7 **REQUEST FOR PRODUCTION NO. 14:**

8 Representative samples of invoices, purchase orders, sales reports, shipping orders,  
9 inventory reports, and other records concerning any sales or offerings of goods and/or services to  
10 any person or entity under Applicant’s Mark, or any variation thereof.

11 **RESPONSE**

12 In addition to the Preliminary Statement, the General Objections and the Specific  
13 Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of  
14 admissible evidence in this proceeding because the requested information is not relevant to any  
15 *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it.  
16 TWG further objects to the use of the term “variation” as vague and ambiguous. TWG further  
17 objects to the extent that request seeks documents concerning use or potential use on other goods  
18 and/or services, or variations of Applicant’s Mark, as not reasonably calculated to lead to the  
19 discovery of admissible evidence because this proceeding is confined to the applied mark and  
20 goods as specified in the application. Subject to these objections, TWG responds as follows:  
21 there are no responsive documents.

22 //

23 //

**REQUEST FOR PRODUCTION NO. 15:**

All documents and things, including financial, accounting and corporate records concerning:

1) your total income from the sale or license of goods and/or services sold under Applicant's Mark annually by goods or services per calendar year, from first use of Applicant's Mark for each good or service to the present; and

2) your projected income from the sale or license of goods and/or services sold under Applicant's Mark annually by good or service per calendar year.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it, and there is and cannot be a damages claim in this proceeding. TWG further objects to the extent that request seeks documents concerning use or potential use on other goods and/or services as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 16:**

All documents and things, including financial, accounting and corporate records concerning:

1) the total amount spent on promoting and advertising Applicant's Mark; and

2) the projected total amount that will be spent on promoting and advertising Applicant's Mark.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it, and there is and cannot be a damages claim in this proceeding. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 17:**

All documents and things sufficient to establish the date of first use in commerce of Applicant's mark, or any variation thereof, in connection with each good and/or services rendered under Applicant's Mark, or any variation thereof.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it. TWG further objects to the use of the term "variation" as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning use or potential use on other goods and/or services, or variations of Applicant's Mark, as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and

goods as specified in the application. Subject to these objections, TWG responds as follows:  
there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 18:**

All documents and thing [sic] sufficient to show how Applicant uses or intends to use Applicant's Mark, or any variation thereof, including, but not limited to, advertising and advertising mockups and proposals, promotional materials including e-mails and websites, catalogs, forms, letterhead, membership materials, purchase orders, press and/or media kits, point-of-purchase displays, and promotional goods.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it. TWG further objects to the use of the term "variation" as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning use or potential use on other goods and/or services, or variations of Applicant's Mark, as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: responsive documents will be produced.

**REQUEST FOR PRODUCTION NO. 19:**

All documents and things sufficient to identify each channel of trade or distribution through which Applicant markets or intends to market its goods and/or services under Applicant's Mark or any variation thereof.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it. TWG further objects to the use of the term “variation” as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning use or potential use on other goods and/or services, or variations of Applicant’s Mark, as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 20:**

All documents and things sufficient to identify each type of media or publication through which Applicant advertises and promotes or intends to advertise and promote goods and/or services under Applicant’s Mark, or any variation thereof.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it. TWG further objects to the use of the term “variation” as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning use or potential use on other goods and/or services, or variations of Applicant’s Mark, as not reasonably calculated to lead to the

discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 21:**

All documents and things sufficient to identify each type of sponsorship through which Applicant advertises and promotes or intends to advertise and promote goods and/or services under Applicant's Mark, or any variation thereof.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it. TWG further objects to the use of the term "variation" as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning use or potential use on other goods and/or services, or variations of Applicant's Mark, as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 22:**

All documents and things relating or referring to, or tending to show, the amount of money spent by any authorized user of Applicant's Mark for promotional activities for Applicant's Mark.

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**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it. TWG further objects to the use of the term “authorized user” as vague and ambiguous. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 23:**

All documents and things relating to, referring to or showing market research conducted by Applicant in connection with Applicant’s Mark, including, but not limited to, surveys or statistics showing Applicant’s target audience of consumers.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request to the extent it seeks survey research specifically conducted for this proceeding as premature under the Board’s Scheduling Order. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 24:**

All documents and things concerning, relating or referring to Opposer or Opposer’s Marks.

**RESPONSE**

Subject to the Preliminary Statement, the General Objections and the Specific Objections, TWG responds as follows: there are no responsive documents other than the documents generated in connection with this case which are either pleadings (and in the possession of

Opposer), Board Orders (and in the possession of Opposer) or attorney work product or communications protected by the attorney-client privilege (which will not be produced nor will Applicant provide an index to such documents because that would be impermissibly intrusive on the privileges.)

**REQUEST FOR PRODUCTION NO. 25:**

All documents and things concerning business plans, including, but not limited to, marketing plans, advertising plans and business forecasts, for Applicant's goods and/or services used in connection with Applicant's Mark.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it. TWG further objects to the extent that request seeks documents concerning use on other goods and/or services as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 26:**

All documents and things concerning any efforts to enforce rights in Applicant's Mark against any third person(s) or third party(ies).

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this interrogatory as improperly requesting communications



protected from disclosure by the attorney-client privilege and work product immunity; even providing a log of such communications would impinge on these privileges. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 27:**

All documents and things relating or referring to or showing ownership of any claimed predecessor-in-title to Applicant's Mark.

**RESPONSE**

Subject to the Preliminary Statement, the General Objections and the Specific Objections, TWG responds as follows: there are no responsive documents

**REQUEST FOR PRODUCTION NO. 28:**

All documents and things referring or relating to any attempts by Applicant to register Applicant's Mark, or any variation thereof, under the laws of any state or before the U.S. Patent and Trademark Office.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not in any state. TWG further objects to the use of the term "variation" as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning variations of Applicant's Mark as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: other than the documents concerning this

proceeding (which are already in GLCVB's possession) and those on the TSDR for this application, there are no non-privileged responsive documents.

**REQUEST FOR PRODUCTION NO. 29:**

All documents and things that refer or relate to any plans by Applicant to expand use of Applicant's Mark, or any variation thereof, or sales or distribution of the goods and/or services, including, but not limited to, expansion of marketing lines, channels of distribution, the number of products or services in connection with which Applicant's Mark is used, the customer base or geographical areas served.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it. TWG further objects to the use of the term "variation" as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning use or potential use on other goods and/or services, or variations of Applicant's Mark, as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 30:**

All documents and things relating or referring to, or showing how Applicant's Mark has been and is being advertised or promoted since the date of its initial adoption to the present, including but not limited to, internal memorandums [sic], brochures, flyers, newspaper articles,

## EXHIBIT 20, p. 22

Advertisements (both print and electronic versions), websites, billboards, pamphlets, magazine or trade journal articles, and radio or television advertisements.

### **RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it. Subject to these objections, TWG responds as follows: there are no responsive documents.

### **REQUEST FOR PRODUCTION NO. 31:**

All documents and things relating or referring to, or tending to show, and current or anticipated advertisements or promotions of goods and/or services in connection with Applicant's Mark, including but not limited to, internal memorandums [sic], brochures, flyers, newspaper articles, Advertisements (both print and electronic versions), websites, billboards, pamphlets, magazine or trade journal articles, and radio or television advertisements.

### **RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it. TWG further objects to the extent that request seeks documents concerning use or potential use on other goods and/or services as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the

1 application. Subject to these objections, TWG responds as follows: there are no responsive  
2 documents.

3 **REQUEST FOR PRODUCTION NO. 32:**

4 A sample of each product and/or service provided under Applicant's Mark since its initial  
5 adoption.

6 **RESPONSE**

7 In addition to the Preliminary Statement, the General Objections and the Specific  
8 Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of  
9 admissible evidence in this proceeding because the requested information is not relevant to any  
10 *DuPont* factor; this proceeding concerns the right to register the mark, not the right to use it.  
11 TWG further objects to the extent that request seeks documents concerning use or potential use  
12 on other goods and/or services as not reasonably calculated to lead to the discovery of admissible  
13 evidence because this proceeding is confined to the applied mark and goods as specified in the  
14 application. Subject to these objections, TWG responds as follows: there are no responsive  
15 documents.

16 **REQUEST FOR PRODUCTION NO. 33:**

17 All documents and things sufficient to identify each trade and/or professional association  
18 through which Applicant promotes or intend to promote its goods and/or services under  
19 Applicant's Mark, or any variation thereof.

20 **RESPONSE**

21 In addition to the Preliminary Statement, the General Objections and the Specific  
22 Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of  
23 admissible evidence in this proceeding because the requested information is not relevant to any  
24

1 *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register,  
2 not the right to use. TWG further objects to the use of the term “variation” as vague and  
3 ambiguous. TWG further objects to the extent that request seeks documents concerning  
4 variations of Applicant’s Mark as not reasonably calculated to lead to the discovery of  
5 admissible evidence because this proceeding is confined to the applied mark and goods as  
6 specified in the application. Subject to these objections, TWG responds as follows: there are no  
7 responsive documents.

8 **REQUEST FOR PRODUCTION NO. 34:**

9 All documents and things referring or relating to any trade shows attended by, or  
10 proposed to be attended by, Applicant where goods and/or services provided under Applicant’s  
11 Mark, or any variation thereof, were sold, advertised or promoted or are intended to be sold,  
12 advertised or promoted.

13 **RESPONSE**

14 In addition to the Preliminary Statement, the General Objections and the Specific  
15 Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of  
16 admissible evidence in this proceeding because the requested information is not relevant to any  
17 *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register,  
18 not the right to use. TWG further objects to the use of the term “variation” as vague and  
19 ambiguous. TWG further objects to the extent that request seeks documents concerning goods or  
20 services other than those applied for as not reasonably calculated to lead to the discovery of  
21 admissible evidence because this proceeding is confined to the applied mark and goods as  
22 specified in the application. Subject to these objections, TWG responds as follows: there are no  
23 responsive documents.  
24

**REQUEST FOR PRODUCTION NO. 35:**

All documents and things sufficient to identify each class of persons, including but not limited to, gender, age, ethnicity, and socioeconomic status, who purchase Applicant's goods and/or services under Applicant's Mark.

**RESPONSE**

Subject to the Preliminary Statement, the General Objections and the Specific Objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 36:**

All documents sufficient to identify each public relations firm, advertising agency, and marketing firm that has been engaged to advertise or promote Applicant's Mark, or any variation thereof.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the extent that request seeks documents concerning variations of Applicant's Mark as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

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**REQUEST FOR PRODUCTION NO. 37**

All communications between Applicant and any public relations firm, advertising agency, and marketing firm that has been engaged to advertise or promote Applicant's goods and/or services under Applicant's Mark.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the extent that request seeks documents concerning goods or services other than those applied for as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 38**

Each press release issued by or on behalf of Applicant which refers to Applicant's Mark, or any variation thereof.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the use of the term "variation" as vague and

1 ambiguous. TWG further objects to the extent that request seeks documents concerning marks  
2 other than the one applied-for because this proceeding is confined to the applied mark and goods  
3 as specified in the application. Subject to these objections, TWG responds as follows: there are  
4 no responsive documents.

5 **REQUEST FOR PRODUCTION NO. 39**

6 Each unsolicited press mention, article, release or other story relating to Applicant's  
7 Mark, or any variation thereof.

8 **RESPONSE**

9 In addition to the Preliminary Statement, the General Objections and the Specific  
10 Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of  
11 admissible evidence in this proceeding because the requested information is not relevant to any  
12 *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register,  
13 not in the right to use. TWG further objects to the use of the term "variation" as vague and  
14 ambiguous. TWG further objects to the extent that request seeks documents concerning marks  
15 other than Applicant's Mark applied for as not reasonably calculated to lead to the discovery of  
16 admissible evidence because this proceeding is confined to the applied for mark. Subject to these  
17 objections, TWG responds as follows: there are no responsive documents.

18 **REQUEST FOR PRODUCTION NO. 40**

19 All advertisements in any magazine, newspaper or other printed publication, relating to  
20 Applicant's Mark, or any variation thereof.

21 **RESPONSE**

22 In addition to the Preliminary Statement, the General Objections and the Specific  
23 Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of  
24



admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the use of the term “variation” as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning marks other than Applicant’s Mark as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied for mark. TWG also objects because this request is duplicative of request nos. 30, 31 and 39. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 41**

All documents and things sufficient to identify each retail store or other channel by which Applicant’s goods and/or services under Applicant’s Mark are provided.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the extent that request seeks documents concerning goods or services other than those applied for as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

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**REQUEST FOR PRODUCTION NO. 42**

All documents and things sufficient to identify the specific geographic area(s) within which Applicant has provided goods and/or services under Applicant's Mark, or any variation thereof, over the time period in which Applicant's Mark has been used.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the use of the term "variation" as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning goods or services other than those applied for as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 43**

All documents and things sufficient to identify the specific geographic area(s) within which Applicant has provided goods and/or services under Applicant's Mark, or any variation thereof, over the time period in which Applicant's Mark has been used.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any

## EXHIBIT 20, p. 30

1 *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register,  
2 not the right to use. TWG further objects to the use of the term “variation” as vague and  
3 ambiguous. TWG further objects to the extent that request seeks documents concerning goods or  
4 services other than those applied for as not reasonably calculated to lead to the discovery of  
5 admissible evidence because this proceeding is confined to the applied mark and goods as  
6 specified in the application. TWG further objects because this request is duplicative of request  
7 no. 42. Subject to these objections, TWG responds as follows: there are no responsive  
8 documents.

### **REQUEST FOR PRODUCTION NO. 44**

10 All documents and things concerning the marketing, advertisement, promotion and/or  
11 sale of Applicants goods and services under Applicant’ s Mark, including, but not limited to,  
12 subscription lists, or other materials identifying actual or prospective clients and customers in the  
13 United States.

### **RESPONSE**

15 In addition to the Preliminary Statement, the General Objections and the Specific  
16 Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of  
17 admissible evidence in this proceeding because the requested information is not relevant to any  
18 *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register,  
19 not the right to use. TWG further objects to the extent that request seeks documents concerning  
20 goods or services other than those applied for as not reasonably calculated to lead to the  
21 discovery of admissible evidence because this proceeding is confined to the applied mark and  
22 goods as specified in the application. TWG further objects because this request is duplicative.  
23 Subject to these objections, TWG responds as follows: there are no responsive documents.  
24

**REQUEST FOR PRODUCTION NO. 45**

All documents sufficient to identify the approximate annual sales in both units and dollars of all goods and/or services offered in connection with Applicant's Mark, or any variation thereof, annually by calendar year, from Applicant's first use of Applicant's mark until present.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the use of the term "variation" as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning goods or services other than those applied for as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 46**

All documents and things relating or referring to any discontinuation of use of Applicant's Mark, or any variation thereof.

**RESPONSE**

Subject to the Preliminary Statement, the General Objections and the Specific Objections, TWG responds as follows: there are no responsive documents.

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**REQUEST FOR PRODUCTION NO. 47**

All document and things concerning, referring, or relating to Applicant's first awareness of Opposer's Marks.

**RESPONSE**

Subject to the Preliminary Statement, the General Objections and the Specific Objections, TWG responds as follows: the only responsive document is the Notice of Opposition which is already in the possession of GLCVB.

**REQUEST FOR PRODUCTION NO. 48**

All documents and things which refer or relate to Opposer, Opposer's Marks, or to any good and/or service of Opposer, including but not limited to, Opposer's Goods and Opposer's Services.

**RESPONSE**

Subject to the Preliminary Statement, the General Objections and the Specific Objections, TWG responds as follows: the only responsive documents are the pleadings in this case (which are already in the possession of GNCVB and documents protected by the attorney-client and attorney work product privileges (and TWG objects to producing a log of these communications and documents because this would be impermissibly intrusive on the privileges.)

**REQUEST FOR PRODUCTION NO. 49**

All documents and things evidencing, referring or relating to third party use of Applicant's Mark, or any variation thereof, including, but not limited to, manufacturing agreements, whether in draft form or executed.

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**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the use of the term “variation” as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning marks other than those applied for as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 50**

All documents and things evidencing, referring or relating to the sale of each and every good and/or service in connection with Applicant’s Mark by Applicant, or a related company or licensee.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the use of the term “variation” as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning goods or services other than those applied for as not reasonably calculated to lead to the discovery of

admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. TWG further objects because this request is unreasonable, unduly burdensome, and improper because it asks for every document in the company concerning Applicant's Mark. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 51**

Documents and things sufficient to identify the approximate dollar amount expended annually by calendar year in the United States by Applicant in advertising the goods and/or services provided under Applicant's Mark since initial adoption of Applicant's Mark to the present.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the extent that request seeks documents concerning goods or services other than those applied for as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. TWG further objects because this request is duplicative of request no. 16. Subject to these objections, TWG responds as follows: there are no responsive documents.

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**REQUEST FOR PRODUCTION NO. 52**

A copy of each market survey and other research documents, including but not limited to surveys, polls, tests, focus group studies Applicant has conducted, has commissioned, or plans to conduct concerning:

a) Applicant's goods and/or services rendered under Applicant's Mark or any variation thereof;

b) Applicant's Mark, or any variation thereof, as perceived by purchasers and potential purchasers;

c) Confusion between Applicant's Mark, or any variation thereof, and the mark of name of any other entity; or

d) Possible use in this opposition proceeding.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use. TWG further objects to the use of the term "variation" as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning goods or services other than those applied for as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. TWG further objects to the extent that this request seeks documents that are not required to be produced under Rule 26 or whose production is premature under the



Board's Scheduling Order. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 53**

All unsolicited communications to Applicant that refer to Opposer's Marks, or any variation thereof.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to the use of the term "variation" as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning goods or services other marks other than the applied for mark as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: the only responsive document is the Notice of Opposition which is already in GCLVB's possession.

**REQUEST FOR PRODUCTION NO. 54**

All documents and things concerning any inquiry or investigation made by, or on behalf of, Applicant with respect to Opposer's Marks.

**RESPONSE**

Subject to the Preliminary Statement, the General Objections and the Specific Objections, TWG responds as follows: the only responsive documents are work product of attorneys in this case which is protected by the attorney-client privilege and attorney work product doctrines, and TWG will not be preparing a log of these communications because to do so would impinge on these privileges.

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**REQUEST FOR PRODUCTION NO. 55**

All documents and things which evidence, refer, or relate to any confusion, or the likelihood or possibility of confusion, between Applicant and Opposer, or between the goods and services offered, sold, or distributed by Opposer or Applicant, including, but not limited to consumer statements, misdirected mail and inquiries as to affiliation

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as overly broad and not reasonably calculated to lead to the production of admissible evidence to the extent that it is requesting documents concerning confusion, generally, and not confusion or likelihood of confusion arising from the trademark at issue in this proceeding. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 56**

All documents and things concerning any complaint or statement by any person about the quality of Applicant's goods and/or services offered under Applicant's Mark.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the requested information is not relevant to any *DuPont* factor; this proceeding concerns the right to register the mark on the Principal Register, not the right to use it. TWG further objects to the extent that request seeks documents concerning goods or services other than those applied for as not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and

goods as specified in the application. Subject to these objections, TWG responds as follows:  
there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 57**

All communications intended for Opposer that were received by Applicant.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as not reasonably calculated to lead to the discovery of admissible evidence in this proceeding because the only relevant communications are those pertaining to the marks at issue in the case. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 58**

All documents and things referring to, relating to, or tending to show a disclaimer made by applicant as to an association with Opposer.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to the use of the terms “association” and “disclaimer” as vague and ambiguous. It further objects on the grounds that the request is not reasonably calculated to lead to the discovery of admissible evidence to the extent that the “association” is not limited to that arising from the trademark at issue in the case. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 59**

All documents and things referring or relating to any adversarial proceeding, excluding the present proceeding, involving Applicant’s Mark, or any variation thereof, before the

Trademark Trial and Appeal Board in the United States Patent and Trademark office, the United States Bureau of Customs, the United States Federal Trade Commission, or any other court of government agency in the United States.

**RESPONSE**

Subject to the Preliminary Statement, the General Objections and the Specific Objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 60**

All documents and things referring or relating to any objection raised, other than by Opposer, to Applicant's use or registration of Applicant's Mark, or any variation thereof, by any third party.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to the use of the term "variation" as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning marks other than the applied for mark it is not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 61**

All documents and things referring or relating to any objections made by Applicant to the use of another mark(s) believed by Applicant to be confusingly similar to Applicant's Mark, or any variation thereof.

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**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to the use of the term “variation” as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning marks other than the applied for mark it is not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 62**

All documents and things which support or tend to support Applicant’s contentions and allegations in its Answer, Affirmative Defenses & Petition for Cancellation filed in this opposition, including but not limited to, all documents and things that support or tend to support each Affirmative Defense therein and each contention in any Counterclaim therein.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as vague and non-specific, and therefore improper under Rule 34. TWG further objects to this request as premature because the facts supporting these contentions are in the possession of GLCVB, its licensee and its licensor, and discovery has only just begun. Subject to these objections, TWG responds as follows: responsive documents will be produced.

**REQUEST FOR PRODUCTION NO. 63**

For each expert whose opinion Applicant may rely on in this proceeding, each document concerning:

- a) any opinions that may be presented in the opposition;

- b) the reason for such opinions;
- c) any date or information considered by the witness in forming the opinions;
- d) any exhibits used in support of or summarizing the opinions; and
- e) the compensation being paid to the witness.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request as premature in light of the Board's Scheduling Order and as violating the rules for expert discovery set forth in Federal Rule of Civil Procedure 26. Subject to these objections, TWG responds as follows: documents regarding experts will be disclosed at the time and in the manner provide for in the Rules and by the Board's Rules and its Scheduling Order.

**REQUEST FOR PRODUCTION NO. 64**

All documents and things bearing Applicant's Mark, or any variation thereof.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to the use of the terms "variation" and "bearing" as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning marks other than the applied for mark it is not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. TWG further objects because this request is duplicative of request nos. 8, 30, 31 and 44. TWG further objects to this request as unduly broad and not reasonably calculated to lead to the discovery of admissible evidence in that it requests every document and

every case good in inventory containing Applicant's Mark. Subject to these objections, TWG responds as follows: there are no responsive documents.

**REQUEST FOR PRODUCTION NO. 65**

All documents and things referring or relating to Applicant's first knowledge of Opposer or Opposer's Marks.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to this request is duplicative of request no. 47. Subject to these objections, TWG responds as follows: the only responsive document is the Notice of Opposition which is already in GLCVB's possession.

**REQUEST FOR PRODUCTION NO. 66**

All documents and things referring or relating to Applicant's knowledge of any third party use of trade names, trademarks or service marks for or containing the design shown in Applicant's Mark, or any variation thereof.

**RESPONSE**

In addition to the Preliminary Statement, the General Objections and the Specific Objections, TWG objects to the use of the term "variation" as vague and ambiguous. TWG further objects to the extent that request seeks documents concerning marks other than the applied for mark it is not reasonably calculated to lead to the discovery of admissible evidence because this proceeding is confined to the applied mark and goods as specified in the application. TWG further objects because this request is duplicative of request no. 49. Subject to these objections, TWG responds as follows: there are no responsive documents.

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## EXHIBIT 20, p. 43

Respectfully submitted,

**LAW OFFICE OF PAUL W. REIDL**



By: \_\_\_\_\_

Paul W. Reidl

Law Office of Paul W. Reidl

241 Eagle Trace Drive

Second Floor

Half Moon Bay, CA 94019

(650) 560-8530

[paul@reidl1law.com](mailto:paul@reidl1law.com)

Dated: July 15, 2013

*Attorney for Applicant, The Wine Group*



**PROOF OF SERVICE**

On July 15, 2013, I caused to be served the following document:

**APPLICANT'S OBJECTION AND RESPONSES TO OPPOSER'S  
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

on Opposer by placing a true copy thereof in the United States mail enclosed in an envelope,  
postage prepaid, addressed as follows to their counsel of record at his present business address:

John A. Galbreath  
Galbreath Law Offices  
2516 Chestnut Woods Ct.  
Reiseterstown, MD 21136-5523

Executed on July 15, 2013 at Half Moon Bay, California.



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**Greater Louisville Convention  
and Visitors Bureau**

**Opposer**

**v.**

**The Wine Group LLC**

**Applicant**

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) **IN THE UNITED STATES**  
) **PATENT AND TRADEMARK OFFICE**  
)  
)  
) **TRADEMARK TRIAL AND APPEAL BOARD**  
)  
)  
) **APPL. NO. 85/736,374**  
)  
) **OPPOSITION NO. 91208855**  
)

**NOTICE OF DEPOSITION PURSUANT TO FRCP 30(b)(6)**

**TO APPLICANT AND ITS ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Greater Louisville Convention and Visitors Bureau ("Louisville", "Opposer", or "Plaintiff") submits the following Notice of Deposition pursuant to Federal Rule of Civil Procedure 30(b)(6) and requests the attendance of the person(s) most knowledgeable of The Wine Group LLC ("Wine Group", "Applicant", or "Defendant"), at Fairfield Inn Tracy, 2410 Naglee Rd, Tracy, CA 95376, on August 28, 2013, commencing at 10:00 a.m. Pacific Time, and continuing from day to day thereafter until completed. Said deposition shall be taken upon oral examination before a certified stenographic reporter duly authorized to administer oaths in the State of California and may be recorded through visual display of the testimony.

Wine Group is to provide the following witness(es):

1. The person(s) most knowledgeable concerning the goods and services offered and planned to be offered by Wine Group under the opposed (B)URBAN mark.
2. The person(s) most knowledgeable concerning how Wine Group has marketed, advertised and promoted, and plans to market, advertise and promote, goods and services under the opposed (B)URBAN mark, including the costs incurred and planned to be incurred for such activities.

3. The person(s) most knowledgeable concerning Wine Group's actual and targeted or planned customers and end consumers for each good and service listed in the opposed (B)URBAN mark.

4. The person(s) most knowledgeable concerning any plans by Wine Group to expand the goods and services offered under the opposed (B)URBAN mark.

5. The person(s) most knowledgeable concerning Wine Group's intent to use the opposed (B)URBAN mark for each good and service listed in the mark, from the conception of the mark to the present.

6. The person(s) most knowledgeable concerning Wine Group's actual and planned use of the opposed (B)URBAN mark for each good and service listed in the mark, from the conception of the mark to the present.

7. The person(s) most knowledgeable concerning Wine Group's organizational structure, including any owner, parent, subsidiary, associated and affiliated entities, and the identity of each of its members, officers, directors and managerial employees.

8. The person(s) most knowledgeable concerning Wine Group's communications with any third parties regarding this proceeding, the opposed (B)URBAN mark, and Louisville's marks.

9. The person(s) most knowledgeable concerning the present and planned trade channels for each good and service offered and planned to be offered by Wine Group under the opposed (B)URBAN mark.

10. The person(s) most knowledgeable concerning the conditions under which each good and service listed in the opposed (B)URBAN mark is purchased or is planned to be purchased, including but not limited to the buyers to whom sales are made and are planned to be made.

11. The person(s) most knowledgeable concerning any past, present or planned licensing, assignment, or transfer of rights for the opposed (B)URBAN mark.

12. The person(s) most knowledgeable concerning Wine Group's document retention policies.

13. The identity, duties, responsibilities, and relationship to Wine Group of the persons identified in Wine Group's Initial Disclosures and discovery responses, including but not limited to John Sutton, Margaret Mac Donald, and Jeff Dubiel.

14. The person(s) most knowledgeable concerning the conception, selection, adoption, development, creation, and clearance of the opposed (B)URBAN mark, and the trademark application filed therefor.

15. The person(s) most knowledgeable concerning Wine Group's tags, labels, packaging, advertising, point-of-sale displays, catalogs and other marketing materials that have featured, or are planned to feature, the opposed (B)URBAN mark.

16. The person(s) most knowledgeable concerning moneys spent, and planned to be spent, on advertising and promotion of Wine Group's goods and services offered under the opposed (B)URBAN mark.

17. The person(s) most knowledgeable concerning the pricing, and planned pricing, of Wine Group's goods and services offered and planned to be offered under the opposed (B)URBAN mark.

18. The person(s) most knowledgeable concerning Wine Group's methods, and planned methods, of advertising and marketing goods and services under the opposed (B)URBAN mark.

19. The person(s) most knowledgeable concerning Wine Group's methods, and planned methods, of sales of goods and services under the opposed (B)URBAN mark,

including but not limited to retail, wholesale, online, mail order, and telephone order sales.

20. The person(s) most knowledgeable concerning Wine Group's customer and consumer surveys, demographic studies, and other market research concerning the opposed (B)URBAN mark.

21. The person(s) most knowledgeable concerning entities that Wine Group has engaged, and plans to engage, for marketing, advertising, and promotion of goods and services under the opposed (B)URBAN mark.

22. The person(s) most knowledgeable concerning any evidence of confusion between the opposed (B)URBAN mark and Louisville's marks pleaded in this proceeding, and any communications received by Wine Group concerning such confusion.

23. The person(s) most knowledgeable concerning Wine Group's claims, counterclaims, and defenses pleaded in this proceeding.

24. The person(s) most knowledgeable concerning the trade channels and customers used or planned to be used by Wine Group for its products and services.

25. The person(s) most knowledgeable concerning Wine Group's actions and communications concerning this proceeding.

26. The person(s) most knowledgeable concerning Wine Group's trademark search and clearance practices and procedures.

27. The person(s) most knowledgeable concerning Wine Group's use and planned use of the opposed (B)URBAN mark and any mark containing URBAN, BOURBON, BURBAN, or BURBON, however stylized.

28. The person(s) most knowledgeable concerning the geographic areas where

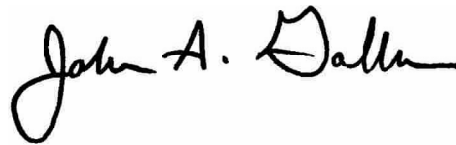
Wine Group's markets and plans to market goods and services under the opposed (B)URBAN mark.

29. The person(s) most knowledgeable concerning agreements which Wine Group has entered into, and plans to enter into, concerning goods and services under the opposed (B)URBAN mark.

30. The person(s) most knowledgeable concerning Wine Group's knowledge of Louisville, its marks, and its marketing and promotion activities.

31. The person(s) most knowledgeable concerning search, business, legal, and other opinions performed by or on behalf of Wine Group concerning the opposed (B)URBAN mark and any variation thereof.

32. The person(s) most knowledgeable concerning trade and professional groups with which Wine Group is associated.



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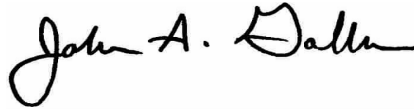
John A. Galbreath

Galbreath Law Offices, P.C.  
2516 Chestnut Woods Ct.  
Reisterstown, MD 21136-5523  
TEL: 410-628-7770  
FAX: 410-666-7274  
EMAIL: jgalbreath@galbreath-law.com

Attorneys for Plaintiff/Opposer

**Certificate of Service:** I certify that on the date below, the foregoing Notice of Deposition and referenced attachments, if any, were deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

PAUL W. REIDL  
LAW OFFICE OF PAUL W. REIDL  
241 EAGLE TRACE DRIVE, SECOND FLOOR  
HALF MOON BAY, CA 94019

A handwritten signature in black ink, reading "John A. Galbreath". The signature is written in a cursive style with a large, stylized "J" and "G".

Date: 26 July 2013

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John A. Galbreath

RE: Louisville v. Wine Group

From: Paul Reidl <reidl@sbcglobal.net>  
To: jgalbreath@galbreath-law.com  
Cc: clientservice@galbreath-law.com

Priority: Normal  
Date: 07-26-2013 08:38 PM

Dear Mr. Galbreath:

The TTAB rules say that once a motion to compel is filed the proceedings are stayed. Thus, your notice is improper. In any event, I am unavailable that day because I will be on vacation.

Yours sincerely,

/paul reidl/

---

**From:** jgalbreath@galbreath-law.com [mailto:jgalbreath@galbreath-law.com]  
**Sent:** Friday, July 26, 2013 4:55 PM  
**To:** reidl@sbcglobal.net  
**Cc:** clientservice@galbreath-law.com  
**Subject:** Louisville v. Wine Group

Please see attached letter, and courtesy copy of deposition notice.

Galbreath Law Offices, P.C.  
2516 Chestnut Woods Ct.  
Reisterstown, MD 21136-5523 U.S.A.  
TEL: 1-410-628-7770  
FAX: 1-410-666-7274  
EMAIL: [info@galbreath-law.com](mailto:info@galbreath-law.com)

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<b>Greater Louisville Convention and Visitors Bureau</b>	) <b>IN THE UNITED STATES</b>
	) <b>PATENT AND TRADEMARK OFFICE</b>
	)
<b>Opposer</b>	)
	) <b>TRADEMARK TRIAL AND APPEAL BOARD</b>
<b>v.</b>	)
	)
<b>The Wine Group LLC</b>	) <b>APPL. NO. 85/736,374</b>
	)
<b>Applicant</b>	) <b>OPPOSITION NO. 91208855</b>
_____	)

**Declaration of John A. Galbreath**

I, JOHN A. GALBREATH, being over the age of eighteen and competent to testify, make the following declaration:

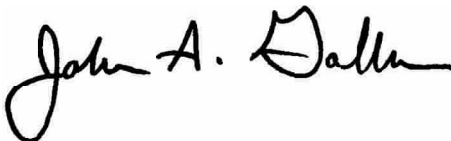
1. I am the attorney of record for Greater Louisville Convention and Visitors Bureau (“Louisville”) in the above captioned opposition proceeding.
2. Exhibits 1-22 of the response filed contemporaneously with this declaration, in opposition to The Wine Group LLC’s (“Wine Group”) motion to compel and test the sufficiency of admission responses, are true and correct copies.  
Specifically:
3. Exhibit 1 is a true and correct copy of Wine Group’s first set of requests for admission.
4. Exhibit 2 is a true and correct copy of Louisville’s allegation of use for its URBAN BOURBON mark.
5. Exhibit 3 is a true and correct copy of the September 10, 2009 Office Action for the URBAN BOURBON TRAIL mark.
6. Exhibit 4 is a true and correct copy of the April 10, 2010 Office Action for the URBAN BOURBON TRAIL mark.
7. Exhibit 5 is a true and correct copy of Louisville’s March 10, 2010 Office Action response for the URBAN BOURBON TRAIL mark.
8. Exhibit 6 is a true and correct copy of Louisville’s responses to Wine Group’s first set of requests for production.
9. Exhibit 7 is a true and correct copy of Louisville’s Notice of Opposition.

10. Exhibit 8 is a true and correct copy of a TESS search result, showing Louisville's marks that contain the term "BOURBON".
11. Exhibit 9 is a true and correct copy of the sworn declaration of James Wood, the President and CEO of Louisville.
12. Exhibit 10 is a true and correct copy of the sworn declaration of Christopher Kipper, Vice President of Finance & Administration for Louisville.
13. Exhibit 11 is a true and correct copy of the sworn declaration of Stacey Yates, Vice President of Marketing Communications for Louisville.
14. Exhibit 12 is a true and correct copy of a TESS search result, showing pending and registered marks that contain the term "BOURBON".
15. Exhibit 13 is a true and correct copy of Louisville's first set of requests for production to Wine Group.
16. Exhibit 14 is a true and correct copy of a TESS printout for the URBAN BOURBON TRAIL mark.
17. Exhibit 15 is a true and correct copy of a TESS printout for the (B)URBAN mark.
18. Exhibit 16 is a true and correct copy of the July 14, 2013 letter from Wine Group's counsel to Louisville's counsel.
19. Exhibit 17 is a true and correct copy of the July 26, 2013 letter from Louisville's counsel to Wine Group's counsel.
20. Exhibit 18 is a true and correct copy of the travel arrangement for Louisville's counsel, concerning Louisville's inspection and copying of Wine Group's documents where they are kept.
21. Exhibit 19 is a true and correct copy of the lodging arrangement for Louisville's counsel, concerning Louisville's inspection and copying of Wine Group's documents where they are kept.
22. Exhibit 20 is a true and correct copy of Wine Group's responses to Louisville's first set of requests for production.
23. Exhibit 21 is a true and correct copy of Louisville's Notice of Deposition served July 26, 2013.
24. Exhibit 22 is a true and correct copy of Wine Group's response to Louisville's Notice of Deposition.

Further, the facts in the opposition to Wine Group's motion to compel and test the sufficiency of admission responses are true and correct. Specifically:

25. Louisville's counsel scheduled a trip to Wine Group's location to inspect and copy Wine Group's documents on August 29-30, and has made travel and lodging arrangements accordingly.
26. Louisville responded in a timely manner to all of Wine Group's discovery requests.
27. Louisville answered all of Wine Group's requests for admission.
28. Louisville answered all of Wine Group's interrogatories – both a first set served on May 10, 2013, and a second set served on June 26, 2013.
29. Louisville agreed to permit inspection and copying of responsive documents for all of Wine Group's production requests, except for production request nos. 26, 30, and 32, to which Louisville appropriately objected.
30. Louisville's counsel responded promptly to all of Wine Group's letters concerning discovery issues.
31. Wine Group received Louisville's July 26, 2013 letter by email and regular mail, and did not object to the arrangement proposed in it.
32. On July 26, 2013, Louisville's counsel served a Notice of Deposition on Wine Group. Wine Group's counsel refused to accept the notice, contending that it was improper because the opposition was stayed.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.



---

John A. Galbreath

08/05/2013

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Date